

Calendar No. 143

117TH CONGRESS
1ST SESSION

S. 4

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2021

Mr. LEAHY (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BLUMENTHAL, Mr. WARNOCK, Mr. OSSOFF, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. TESTER, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read the first time

OCTOBER 6, 2021

Read the second time and placed on the calendar

A BILL

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John R. Lewis Voting
 5 Rights Advancement Act of 2021”.

6 **TITLE I—AMENDMENTS TO THE**
 7 **VOTING RIGHTS ACT**

8 **SEC. 101. VOTE DILUTION, DENIAL, AND ABRIDGMENT**
 9 **CLAIMS.**

10 (a) IN GENERAL.—Section 2(a) of the Voting Rights
 11 Act of 1965 (52 U.S.C. 10301(a)) is amended—

12 (1) by inserting after “applied by any State or
 13 political subdivision” the following: “for the purpose
 14 of, or”; and

15 (2) by striking “as provided in subsection (b)”
 16 and inserting “as provided in subsection (b), (c), (d),
 17 or (e)”.

18 (b) VOTE DILUTION.—Section 2 of such Act (52
 19 U.S.C. 10301), as amended by subsection (a), is further
 20 amended by striking subsection (b) and inserting the fol-
 21 lowing:

22 “(b) A violation of subsection (a) for vote dilution is
 23 established if, based on the totality of circumstances, it
 24 is shown that the political processes leading to nomination
 25 or election in the State or political subdivision are not

1 equally open to participation by members of a class of citi-
 2 zens protected by subsection (a) in that its members have
 3 less opportunity than other members of the electorate to
 4 participate in the political process and to elect representa-
 5 tives of their choice. The extent to which members of a
 6 protected class have been elected to office in the State or
 7 political subdivision is one circumstance which may be
 8 considered: *Provided*, That nothing in this section estab-
 9 lishes a right to have members of a protected class elected
 10 in numbers equal to their proportion in the population.
 11 The legal standard articulated in *Thornburg v. Gingles*,
 12 478 U.S. 30 (1986), governs claims under this subsection.
 13 For purposes of this subsection a class of citizens pro-
 14 tected by subsection (a) may include a cohesive coalition
 15 of members of different racial or language minority
 16 groups.”.

17 (c) VOTE DENIAL OR ABRIDGEMENT.—Section 2 of
 18 such Act (52 U.S.C. 10301), as amended by subsections
 19 (a) and (b), is further amended by adding at the end the
 20 following:

21 “(c)(1) A violation of subsection (a) for vote denial
 22 or abridgment is established if the challenged standard,
 23 practice, or procedure imposes a discriminatory burden on
 24 members of a class of citizens protected by subsection (a),
 25 meaning that—

1 “(A) members of the protected class face great-
 2 er difficulty in complying with the standard, prac-
 3 tice, or procedure, considering the totality of the cir-
 4 cumstances; and

5 “(B) such greater difficulty is, at least in part,
 6 caused by or linked to social and historical condi-
 7 tions that have produced or currently produce dis-
 8 crimination against members of the protected class.

9 “(2) The challenged standard, practice, or procedure
 10 need only be a but-for cause of the discriminatory burden
 11 or perpetuate a pre-existing discriminatory burden.

12 “(3)(A) The totality of the circumstances for consid-
 13 eration relative to a violation of subsection (a) for vote
 14 denial or abridgment shall include the following factors,
 15 which, individually and collectively, show how a voting
 16 standard, practice, or procedure can function to amplify
 17 the effects of past or present racial discrimination:

18 “(i) The history of official voting-related dis-
 19 crimination in the State or political subdivision.

20 “(ii) The extent to which voting in the elections
 21 of the State or political subdivision is racially polar-
 22 ized.

23 “(iii) The extent to which the State or political
 24 subdivision has used unduly burdensome photo-
 25 graphic voter identification requirements, documen-

1 tary proof of citizenship requirements, documentary
2 proof of residence requirements, or other voting
3 standards, practices, or procedures beyond those re-
4 quired by Federal law that may impair the ability of
5 members of the protected class to participate fully in
6 the political process.

7 “(iv) The extent to which members of the pro-
8 tected class bear the effects of discrimination in
9 areas such as education, employment, and health,
10 which hinder the ability of those members to partici-
11 pate effectively in the political process.

12 “(v) The use of overt or subtle racial appeals ei-
13 ther in political campaigns or surrounding the adop-
14 tion or maintenance of the challenged standard,
15 practice, or procedure.

16 “(vi) The extent to which members of the pro-
17 tected class have been elected to public office in the
18 jurisdiction, except that the fact that the protected
19 class is too small to elect candidates of its choice
20 shall not defeat a claim of vote denial or abridgment
21 under this section.

22 “(vii) Whether there is a lack of responsiveness
23 on the part of elected officials to the particularized
24 needs of members of the protected class.

1 “(viii) Whether the policy underlying the State
 2 or political subdivision’s use of the challenged quali-
 3 fication, prerequisite, standard, practice, or proce-
 4 dure has a tenuous connection to that qualification,
 5 prerequisite, standard, practice, or procedure.

6 “(B) A particular combination or number of
 7 factors under subparagraph (A) shall not be re-
 8 quired to establish a violation of subsection (a) for
 9 vote denial or abridgment.

10 “(C) The totality of the circumstances for con-
 11 sideration relative to a violation of subsection (a) for
 12 vote denial or abridgment shall not include the fol-
 13 lowing factors:

14 “(i) The total number or share of members of
 15 a protected class on whom a challenged standard,
 16 practice, or procedure does not impose a material
 17 burden.

18 “(ii) The degree to which the challenged stand-
 19 ard, practice, or procedure has a long pedigree or
 20 was in widespread use at some earlier date.

21 “(iii) The use of an identical or similar stand-
 22 ard, practice, or procedure in other States or polit-
 23 ical subdivisions.

24 “(iv) The availability of other forms of voting
 25 unimpacted by the challenged standard, practice, or

1 procedure to all members of the electorate, including
 2 members of the protected class, unless the State or
 3 political subdivision is simultaneously expanding
 4 those other standards, practices, or procedures to
 5 eliminate any disproportionate burden imposed by
 6 the challenged standard, practice, or procedure.

7 “(v) A prophylactic impact on potential criminal
 8 activity by individual voters, if such crimes have not
 9 occurred in the State or political subdivision in sub-
 10 stantial numbers.

11 “(vi) Mere invocation of interests in voter con-
 12 fidence or prevention of fraud.”.

13 (d) INTENDED VOTE DILUTION OR VOTE DENIAL OR
 14 ABRIDGMENT.—Section 2 of such Act (52 U.S.C. 10301),
 15 as amended by subsections (a), (b), and (c) is further
 16 amended by adding at the end the following:

17 “(d)(1) A violation of subsection (a) is also estab-
 18 lished if a challenged qualification, prerequisite, standard,
 19 practice, or procedure is intended, at least in part, to di-
 20 lute the voting strength of a protected class or to deny
 21 or abridge the right of any citizen of the United States
 22 to vote on account of race, color, or in contravention of
 23 the guarantees set forth in section 4(f)(2).

24 “(2) Discrimination on account of race or color,
 25 or in contravention of the guarantees set forth in

1 section 4(f)(2), need only be one purpose of a quali-
 2 fication, prerequisite, standard, practice, or proce-
 3 dure in order to establish a violation of subsection
 4 (a), as described in this subsection. A qualification,
 5 prerequisite, standard, practice, or procedure in-
 6 tended to dilute the voting strength of a protected
 7 class or to make it more difficult for members of a
 8 protected class to cast a ballot that will be counted
 9 constitutes a violation of subsection (a), as described
 10 in this subsection, even if an additional purpose of
 11 the qualification, prerequisite, standard, practice, or
 12 procedure is to benefit a particular political party or
 13 group.

14 “(3) Recent context, including actions by offi-
 15 cial decisionmakers in prior years or in other con-
 16 texts preceding the decision responsible for the chal-
 17 lenged qualification, prerequisite, standard, practice,
 18 or procedure, and including actions by predecessor
 19 government actors or individual members of a deci-
 20 sionmaking body, may be relevant to making a de-
 21 termination about a violation of subsection (a), as
 22 described under this subsection.

23 “(4) A claim that a violation of subsection (a)
 24 has occurred, as described under this subsection,
 25 shall require proof of a discriminatory impact but

1 shall not require proof of violation of subsection (b)
 2 or (c).”.

3 **SEC. 102. RETROGRESSION.**

4 Section 2 of the Voting Rights Act of 1965 (52
 5 U.S.C. 10301 et seq.), as amended by section 101 of this
 6 Act, is further amended by adding at the end the fol-
 7 lowing:

8 “(e) A violation of subsection (a) is established when
 9 a State or political subdivision enacts or seeks to admin-
 10 ister any qualification or prerequisite to voting or stand-
 11 ard, practice, or procedure with respect to voting in any
 12 election that has the purpose of or will have the effect
 13 of diminishing the ability of any citizens of the United
 14 States on account of race or color, or in contravention of
 15 the guarantees set forth in section 4(f)(2), to participate
 16 in the electoral process or elect their preferred candidates
 17 of choice. This subsection applies to any action taken on
 18 or after January 1, 2021, by a State or political subdivi-
 19 sion to enact or seek to administer any such qualification
 20 or prerequisite to voting or standard, practice or proce-
 21 dure.

22 “(f) Notwithstanding the provisions of subsection (e),
 23 final decisions of the United States District Court of the
 24 District of Columbia on applications or petitions by States
 25 or political subdivisions for preclearance under section 5

1 of any changes in voting prerequisites, standards, prac-
 2 tices, or procedures, supersede the provisions of subsection
 3 (e).”.

4 **SEC. 103. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
 5 **TO RETAIN JURISDICTION.**

6 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
 7 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
 8 by striking “violations of the fourteenth or fifteenth
 9 amendment” and inserting “violations of the 14th or 15th
 10 Amendment, violations of this Act, or violations of any
 11 Federal law that prohibits discrimination in voting on the
 12 basis of race, color, or membership in a language minority
 13 group,”.

14 (b) CONFORMING AMENDMENT.—Section 3(a) of
 15 such Act (52 U.S.C. 10302(a)) is amended by striking
 16 “violations of the fourteenth or fifteenth amendment” and
 17 inserting “violations of the 14th or 15th Amendment, vio-
 18 lations of this Act, or violations of any Federal law that
 19 prohibits discrimination in voting on the basis of race,
 20 color, or membership in a language minority group,”.

21 **SEC. 104. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
 22 **ICAL SUBDIVISIONS.**

23 (a) DETERMINATION OF STATES AND POLITICAL
 24 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

1 (1) IN GENERAL.—Section 4(b) of the Voting
 2 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-
 3 ed to read as follows:

4 “(b) DETERMINATION OF STATES AND POLITICAL
 5 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

6 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
 7 TIONS DURING PREVIOUS 25 YEARS.—

8 “(A) STATEWIDE APPLICATION.—Sub-
 9 section (a) applies with respect to a State and
 10 all political subdivisions within the State during
 11 a calendar year if—

12 “(i) fifteen or more voting rights vio-
 13 lations occurred in the State during the
 14 previous 25 calendar years; or

15 “(ii) ten or more voting rights viola-
 16 tions occurred in the State during the pre-
 17 vious 25 calendar years, at least one of
 18 which was committed by the State itself
 19 (as opposed to a political subdivision with-
 20 in the State).

21 “(B) APPLICATION TO SPECIFIC POLITICAL
 22 SUBDIVISIONS.—Subsection (a) applies with re-
 23 spect to a political subdivision as a separate
 24 unit during a calendar year if three or more

1 voting rights violations occurred in the subdivi-
 2 sion during the previous 25 calendar years.

3 “(2) PERIOD OF APPLICATION.—

4 “(A) IN GENERAL.—Except as provided in
 5 subparagraph (B), if, pursuant to paragraph
 6 (1), subsection (a) applies with respect to a
 7 State or political subdivision during a calendar
 8 year, subsection (a) shall apply with respect to
 9 such State or political subdivision for the pe-
 10 riod—

11 “(i) that begins on January 1 of the
 12 year in which subsection (a) applies; and

13 “(ii) that ends on the date which is 10
 14 years after the date described in clause (i).

15 “(B) NO FURTHER APPLICATION AFTER
 16 DECLARATORY JUDGMENT.—

17 “(i) STATES.—If a State obtains a de-
 18 claratory judgment under subsection (a),
 19 and the judgment remains in effect, sub-
 20 section (a) shall no longer apply to such
 21 State and all political subdivisions in the
 22 State pursuant to paragraph (1)(A) unless,
 23 after the issuance of the declaratory judg-
 24 ment, paragraph (1)(A) applies to the
 25 State solely on the basis of voting rights

violations occurring after the issuance of the declaratory judgment.

“(ii) POLITICAL SUBDIVISIONS.—If a political subdivision obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such political subdivision pursuant to paragraph (1), including pursuant to paragraph (1)(A) (relating to the statewide application of subsection (a)), unless, after the issuance of the declaratory judgment, paragraph (1)(B) applies to the political subdivision solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment.

“(3) DETERMINATION OF VOTING RIGHTS VIOLATION.—For purposes of paragraph (1), a voting rights violation occurred in a State or political subdivision if any of the following applies:

“(A) JUDICIAL RELIEF; VIOLATION OF THE 14TH OR 15TH AMENDMENT.—Any final judgment (that was not reversed on appeal) occurred, in which the plaintiff prevailed and in which any court of the United States deter-

1 mined that a denial or abridgement of the right
2 of any citizen of the United States to vote on
3 account of race, color, or membership in a lan-
4 guage minority group occurred, or that a voting
5 qualification or prerequisite to voting or stand-
6 ard, practice, or procedure with respect to vot-
7 ing created an undue burden on the right to
8 vote in connection with a claim that the law un-
9 duly burdened voters of a particular race, color,
10 or language minority group, in violation of the
11 14th or 15th Amendment to the Constitution of
12 the United States, anywhere within the State or
13 subdivision.

14 “(B) JUDICIAL RELIEF; VIOLATIONS OF
15 THIS ACT.—Any final judgment (that was not
16 reversed on appeal) occurred in which the plain-
17 tiff prevailed and in which any court of the
18 United States determined that a voting quali-
19 fication or prerequisite to voting or standard,
20 practice, or procedure with respect to voting
21 was imposed or applied or would have been im-
22 posed or applied anywhere within the State or
23 subdivision in a manner that resulted or would
24 have resulted in a denial or abridgement of the
25 right of any citizen of the United States to vote

on account of race, color, or membership in a language minority group, in violation of subsection (e) or (f) or section 2, 201, or 203.

“(C) FINAL JUDGMENT; DENIAL OF DECLARATORY JUDGMENT.—In a final judgment (that was not been reversed on appeal), any court of the United States has denied the request of the State or subdivision for a declaratory judgment under section 3(c) or section 5, and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision.

“(D) OBJECTION BY THE ATTORNEY GENERAL.—The Attorney General has interposed an objection under section 3(c) or section 5, and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision. A violation under this subparagraph has not occurred where an objection has been withdrawn by the Attorney General, unless the withdrawal was in response to a change in the law or practice that served as the basis of the objection. A

1 violation under this subparagraph has not oc-
2 curred where the objection is based solely on a
3 State or political subdivision's failure to comply
4 with a procedural process that would not other-
5 wise count as an independent violation of this
6 Act.

7 “(E) CONSENT DECREE, SETTLEMENT, OR
8 OTHER AGREEMENT.—

9 “(i) AGREEMENT.—A consent decree,
10 settlement, or other agreement was adopt-
11 ed or entered by a court of the United
12 States that contains an admission of liabil-
13 ity by the defendants, which resulted in the
14 alteration or abandonment of a voting
15 practice anywhere in the territory of such
16 State or subdivision that was challenged on
17 the ground that the practice denied or
18 abridged the right of any citizen of the
19 United States to vote on account of race,
20 color, or membership in a language minor-
21 ity group in violation of subsection (e) or
22 (f) or section 2, 201, or 203, or the 14th
23 or 15th Amendment.

24 “(ii) INDEPENDENT VIOLATIONS.—A
25 voluntary extension or continuation of a

1 consent decree, settlement, or agreement
2 described in clause (i) shall not count as
3 an independent violation under this sub-
4 paragraph. Any other extension or modi-
5 fication of such a consent decree, settle-
6 ment, or agreement, if the consent decree,
7 settlement, or agreement has been in place
8 for ten years or longer, shall count as an
9 independent violation under this subpara-
10 graph. If a court of the United States
11 finds that a consent decree, settlement, or
12 agreement described in clause (i) itself de-
13 nied or abridged the right of any citizen of
14 the United States to vote on account of
15 race, color, or membership in a language
16 minority group, violated subsection (e) or
17 (f) or section 2, 201, or 203, or created an
18 undue burden on the right to vote in con-
19 nection with a claim that the consent de-
20 cree, settlement, or other agreement un-
21 duly burdened voters of a particular race,
22 color, or language minority group, that
23 finding shall count as an independent vio-
24 lation under this subparagraph.

“(F) MULTIPLE VIOLATIONS.—Each instance in which a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting, including each redistricting plan, is found to be a violation by a court of the United States pursuant to subparagraph (A) or (B), or prevented from being enforced pursuant to subparagraph (C) or (D), or altered or abandoned pursuant to subparagraph (E) shall count as an independent violation under this paragraph. Within a redistricting plan, each violation under this paragraph found to discriminate against any group of voters based on race, color, or language minority group shall count as an independent violation under this paragraph.

“(4) TIMING OF DETERMINATIONS.—

“(A) DETERMINATIONS OF VOTING RIGHTS VIOLATIONS.—As early as practicable during each calendar year, the Attorney General shall make the determinations required by this subsection, including updating the list of voting rights violations occurring in each State and political subdivision for the previous calendar year.

1 “(B) EFFECTIVE UPON PUBLICATION IN
 2 FEDERAL REGISTER.—A determination or cer-
 3 tification of the Attorney General under this
 4 section or under section 8 or 13 shall be effec-
 5 tive upon publication in the Federal Register.”.

6 (2) CONFORMING AMENDMENTS.—Section 4(a)
 7 of such Act (52 U.S.C. 10303(a)) is amended—

8 (A) in paragraph (1), in the first sentence
 9 of the matter preceding subparagraph (A), by
 10 striking “any State with respect to which” and
 11 all that follows through “unless” and inserting
 12 “any State to which this subsection applies dur-
 13 ing a calendar year pursuant to determinations
 14 made under subsection (b), or in any political
 15 subdivision of such State (as such subdivision
 16 existed on the date such determinations were
 17 made with respect to such State), though such
 18 determinations were not made with respect to
 19 such subdivision as a separate unit, or in any
 20 political subdivision with respect to which this
 21 subsection applies during a calendar year pur-
 22 suant to determinations made with respect to
 23 such subdivision as a separate unit under sub-
 24 section (b), unless”;

1 (B) in paragraph (1), in the matter pre-
 2 ceding subparagraph (A), by striking the second
 3 sentence;

4 (C) in paragraph (1)(A), by striking “(in
 5 the case of a State or subdivision seeking a de-
 6 claratory judgment under the second sentence
 7 of this subsection)”;

8 (D) in paragraph (1)(B), by striking “(in
 9 the case of a State or subdivision seeking a de-
 10 claratory judgment under the second sentence
 11 of this subsection)”;

12 (E) in paragraph (3), by striking “(in the
 13 case of a State or subdivision seeking a declara-
 14 tory judgment under the second sentence of this
 15 subsection)”;

16 (F) in paragraph (5), by striking “(in the
 17 case of a State or subdivision which sought a
 18 declaratory judgment under the second sentence
 19 of this subsection)”;

20 (G) by striking paragraphs (7) and (8);
 21 and

22 (H) by redesignating paragraph (9) as
 23 paragraph (7).

24 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
 25 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such

1 Act (52 U.S.C. 10303(a)(1)), as amended by subsection
 2 (a), is further amended, in the first sentence, by striking
 3 “race or color,” and inserting “race or color, or in con-
 4 travention of the guarantees of subsection (f)(2),”.

5 (c) FACILITATING BAILOUT.—Section 4(a) of the
 6 Voting Rights Act of 1965 (52 U.S.C. 10303(a)), as
 7 amended by subsection (a), is further amended—

8 (1) by striking paragraph (1)(C);

9 (2) by inserting at the beginning of paragraph
 10 (7), as redesignated by subsection (a)(2)(H), the fol-
 11 lowing: “Any plaintiff seeking a declaratory judg-
 12 ment under this subsection on the grounds that the
 13 plaintiff meets the requirements of paragraph (1)
 14 may request that the Attorney General consent to
 15 entry of judgment.”; and

16 (3) by adding at the end the following:

17 “(8) If a political subdivision is subject to the applica-
 18 tion of this subsection, due to the applicability of sub-
 19 section (b)(1)(A), the political subdivision may seek a de-
 20 claratory judgment under this section if the subdivision
 21 demonstrates that the subdivision meets the criteria estab-
 22 lished by the subparagraphs of paragraph (1), for the 10
 23 years preceding the date on which subsection (a) applied
 24 to the political subdivision under subsection (b)(1)(A).

1 “(9) If a political subdivision was not subject to the
 2 application of this subsection by reason of a declaratory
 3 judgment entered prior to the date of enactment of the
 4 John R. Lewis Voting Rights Advancement Act of 2021,
 5 and is not, subsequent to that date of enactment, subject
 6 to the application of this subsection under subsection
 7 (b)(1)(B), then that political subdivision shall not be sub-
 8 ject to the requirements of this subsection.”.

9 **SEC. 105. DETERMINATION OF STATES AND POLITICAL SUB-**
 10 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
 11 **COVERED PRACTICES.**

12 The Voting Rights Act of 1965 (52 U.S.C. 10301 et
 13 seq.) is further amended by inserting after section 4 the
 14 following:

15 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
 16 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 17 **FOR COVERED PRACTICES.**

18 “(a) PRACTICE-BASED PRECLEARANCE.—

19 “(1) IN GENERAL.—Each State and each polit-
 20 ical subdivision shall—

21 “(A) identify any newly enacted or adopted
 22 law, regulation, or policy that includes a voting
 23 qualification or prerequisite to voting, or a
 24 standard, practice, or procedure with respect to

1 voting, that is a covered practice described in
 2 subsection (b); and

3 “(B) ensure that no such covered practice
 4 is implemented unless or until the State or po-
 5 litical subdivision, as the case may be, complies
 6 with subsection (c).

7 “(2) DETERMINATIONS OF CHARACTERISTICS
 8 OF VOTING-AGE POPULATION.—

9 “(A) IN GENERAL.—As early as prac-
 10 ticable during each calendar year, the Attorney
 11 General, in consultation with the Director of
 12 the Bureau of the Census and the heads of
 13 other relevant offices of the government, shall
 14 make the determinations required by this sec-
 15 tion regarding voting-age populations and the
 16 characteristics of such populations, and shall
 17 publish a list of the States and political subdivi-
 18 sions to which a voting-age population char-
 19 acteristic described in subsection (b) applies.

20 “(B) PUBLICATION IN THE FEDERAL REG-
 21 ISTER.—A determination (including a certifi-
 22 cation) of the Attorney General under this
 23 paragraph shall be effective upon publication in
 24 the Federal Register.

1 “(b) COVERED PRACTICES.—To assure that the right
 2 of citizens of the United States to vote is not denied or
 3 abridged on account of race, color, or membership in a
 4 language minority group as a result of the implementation
 5 of certain qualifications or prerequisites to voting, or
 6 standards, practices, or procedures with respect to voting,
 7 newly adopted in a State or political subdivision, the fol-
 8 lowing shall be covered practices subject to the require-
 9 ments described in subsection (a):

10 “(1) CHANGES TO METHOD OF ELECTION.—

11 Any change to the method of election—

12 “(A) to add seats elected at-large in a
 13 State or political subdivision where—

14 “(i) two or more racial groups or lan-
 15 guage minority groups each represent 20
 16 percent or more of the voting-age popu-
 17 lation in the State or political subdivision,
 18 respectively; or

19 “(ii) a single language minority group
 20 represents 20 percent or more of the vot-
 21 ing-age population on Indian lands located
 22 in whole or in part in the State or political
 23 subdivision; or

24 “(B) to convert one or more seats elected
 25 from a single-member district to one or more

at-large seats or seats from a multi-member district in a State or political subdivision where—

“(i) two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population in the State or political subdivision, respectively; or

“(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the State or political subdivision.

“(2) CHANGES TO POLITICAL SUBDIVISION BOUNDARIES.—Any change or series of changes within a year to the boundaries of a political subdivision that reduces by 3 or more percentage points the percentage of the political subdivision’s voting-age population that is comprised of members of a single racial group or language minority group in the political subdivision where—

“(A) two or more racial groups or language minority groups each represent 20 percent or more of the political subdivision’s voting-age population; or

1 “(B) a single language minority group rep-
2 resents 20 percent or more of the voting-age
3 population on Indian lands located in whole or
4 in part in the political subdivision.

5 “(3) CHANGES THROUGH REDISTRICTING.—
6 Any change to the boundaries of districts for Fed-
7 eral, State, or local elections in a State or political
8 subdivision where any racial group or language mi-
9 nority group that is not the largest racial group or
10 language minority group in the jurisdiction and that
11 represents 15 percent or more of the State or polit-
12 ical subdivision’s voting-age population experiences a
13 population increase of at least 20 percent of its vot-
14 ing-age population, over the preceding decade (as
15 calculated by the Bureau of the Census under the
16 most recent decennial census), in the jurisdiction.

17 “(4) CHANGES IN DOCUMENTATION OR QUALI-
18 FICATIONS TO VOTE.—Any change to requirements
19 for documentation or proof of identity to vote or reg-
20 ister to vote in elections for Federal, State, or local
21 offices that will exceed or be more stringent than
22 such requirements under State law on the day before
23 the date of enactment of the John R. Lewis Voting
24 Rights Advancement Act of 2021.

1 “(5) CHANGES TO MULTILINGUAL VOTING MA-
2 TERIALS.—Any change that reduces multilingual
3 voting materials or alters the manner in which such
4 materials are provided or distributed, where no simi-
5 lar reduction or alteration occurs in materials pro-
6 vided in English for such election.

7 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
8 OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-
9 ING OPPORTUNITIES.—Any change that reduces,
10 consolidates, or relocates voting locations in elections
11 for Federal, State, or local office, including early,
12 absentee, and election-day voting locations, or re-
13 duces days or hours of in-person voting on any Sun-
14 day during a period occurring prior to the date of
15 an election for Federal, State, or local office during
16 which voters may cast ballots in such election, or
17 prohibits the provision of food or non-alcoholic drink
18 to persons waiting to vote in an election for Federal,
19 State, or local office, except where the provision
20 would violate prohibitions on expenditures to influ-
21 ence voting, if the location change, reduction in days
22 or hours, or prohibition applies—

23 “(A) in one or more census tracts in which
24 two or more language minority groups or racial

1 groups each represent 20 percent or more of
 2 the voting-age population; or

3 “(B) on Indian lands in which at least 20
 4 percent of the voting-age population belongs to
 5 a single language minority group.

6 “(7) NEW LIST MAINTENANCE PROCESS.—Any
 7 change to the maintenance process for voter reg-
 8 istration lists that adds a new basis for removal
 9 from the list of active voters registered to vote in
 10 elections for Federal, State, or local office, or that
 11 incorporates new sources of information in deter-
 12 mining a voter’s eligibility to vote in elections for
 13 Federal, State, or local office, if such a change
 14 would have a statistically significant disparate im-
 15 pact, concerning the removal from voter rolls, on
 16 members of racial groups or language minority
 17 groups that constitute greater than 5 percent of the
 18 voting-age population—

19 “(A) in the case of a political subdivision
 20 imposing such change if—

21 “(i) two or more racial groups or lan-
 22 guage minority groups each represent 20
 23 percent or more of the voting-age popu-
 24 lation of the political subdivision; or

1 “(ii) a single language minority group
 2 represents 20 percent or more of the vot-
 3 ing-age population on Indian lands located
 4 in whole or in part in the political subdivi-
 5 sion; or

6 “(B) in the case of a State imposing such
 7 change, if two or more racial groups or lan-
 8 guage minority groups each represent 20 per-
 9 cent or more of the voting-age population of—

10 “(i) the State; or

11 “(ii) a political subdivision in the
 12 State, except that the requirements under
 13 subsections (a) and (c) shall apply only
 14 with respect to each such political subdivi-
 15 sion individually.

16 “(c) PRECLEARANCE.—

17 “(1) IN GENERAL.—

18 “(A) ACTION .—Whenever a State or polit-
 19 ical subdivision with respect to which the re-
 20 quirements set forth in subsection (a) are in ef-
 21 fect shall enact, adopt, or seek to implement
 22 any covered practice described under subsection
 23 (b), such State or subdivision may institute an
 24 action in the United States District Court for
 25 the District of Columbia for a declaratory judg-

1 ment that such covered practice neither has the
 2 purpose nor will have the effect of denying or
 3 abridging the right to vote on account of race,
 4 color, or membership in a language minority
 5 group, and unless and until the court enters
 6 such judgment such covered practice shall not
 7 be implemented.

8 “(B) SUBMISSION TO ATTORNEY GEN-
 9 ERAL.—

10 “(i) IN GENERAL.—Notwithstanding
 11 subparagraph (A), such covered practice
 12 may be implemented without such pro-
 13 ceeding if the covered practice has been
 14 submitted by the chief legal officer or other
 15 appropriate official of such State or sub-
 16 division to the Attorney General and the
 17 Attorney General has not interposed an ob-
 18 jection within 60 days after such submis-
 19 sion, or upon good cause shown, to facili-
 20 tate an expedited approval within 60 days
 21 after such submission, the Attorney Gen-
 22 eral has affirmatively indicated that such
 23 objection will not be made. For purposes of
 24 determining whether expedited consider-
 25 ation of approval is required under this

1 subparagraph or section 5(a), an exigency
2 such as a natural disaster, that requires a
3 change in a voting qualification or pre-
4 requisite to voting or standard, practice, or
5 procedure with respect to voting during the
6 period of 30 days before a Federal election,
7 shall be considered to be good cause re-
8 quiring that expedited consideration.

9 “(ii) EFFECT OF INDICATION.—Nei-
10 ther an affirmative indication by the Attor-
11 ney General that no objection will be made,
12 nor the Attorney General’s failure to ob-
13 ject, nor a declaratory judgment entered
14 under this subsection shall bar a subse-
15 quent action to enjoin implementation of
16 such covered practice. In the event the At-
17 torney General affirmatively indicates that
18 no objection will be made within the 60-
19 day period following receipt of a submis-
20 sion, the Attorney General may reserve the
21 right to reexamine the submission if addi-
22 tional information comes to the Attorney
23 General’s attention during the remainder
24 of the 60-day period which would otherwise

1 require objection in accordance with this
2 subsection.

3 “(C) COURT.—Any action under this sub-
4 section shall be heard and determined by a
5 court of three judges in accordance with the
6 provisions of section 2284 of title 28, United
7 States Code, and any appeal shall lie to the Su-
8 preme Court.

9 “(2) DENYING OR ABRIDGING THE RIGHT TO
10 VOTE.—Any covered practice described in subsection
11 (b) that has the purpose of or will have the effect
12 of diminishing the ability of any citizens of the
13 United States on account of race, color, or member-
14 ship in a language minority group, to elect their pre-
15 ferred candidates of choice denies or abridges the
16 right to vote within the meaning of paragraph (1).

17 “(3) PURPOSE DEFINED.—The term ‘purpose’
18 in paragraphs (1) and (2) shall include any discrimi-
19 natory purpose.

20 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
21 pose of paragraph (2) is to protect the ability of
22 such citizens to elect their preferred candidates of
23 choice.

24 “(d) ENFORCEMENT.—The Attorney General or any
25 aggrieved citizen may file an action in a district court of

1 the United States to compel any State or political subdivi-
 2 sion to satisfy the obligations set forth in this section.
 3 Such an action shall be heard and determined by a court
 4 of three judges under section 2284 of title 28, United
 5 States Code. In any such action, the court shall provide
 6 as a remedy that implementation of any voting qualifica-
 7 tion or prerequisite to voting, or standard, practice, or
 8 procedure with respect to voting, that is the subject of the
 9 action under this subsection be enjoined unless the court
 10 determines that—

11 “(1) the voting qualification or prerequisite to
 12 voting, or standard, practice, or procedure with re-
 13 spect to voting, is not a covered practice described
 14 in subsection (b); or

15 “(2) the State or political subdivision has com-
 16 plied with subsection (c) with respect to the covered
 17 practice at issue.

18 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
 19 MINORITY GROUPS.—For purposes of this section, the cal-
 20 culation of the population of a racial group or a language
 21 minority group shall be carried out using the methodology
 22 in the guidance of the Department of Justice entitled
 23 ‘Guidance Concerning Redistricting Under Section 5 of
 24 the Voting Rights Act; Notice’ (76 Fed. Reg. 7470 (Feb-
 25 ruary 9, 2011)).

1 “(f) SPECIAL RULE.—For purposes of determina-
 2 tions under this section, any data provided by the Bureau
 3 of the Census, whether based on estimation from a sample
 4 or actual enumeration, shall not be subject to challenge
 5 or review in any court.

6 “(g) MULTILINGUAL VOTING MATERIALS.—In this
 7 section, the term ‘multilingual voting materials’ means
 8 registration or voting notices, forms, instructions, assist-
 9 ance, or other materials or information relating to the
 10 electoral process, including ballots, provided in the lan-
 11 guage or languages of one or more language minority
 12 groups.”.

13 **SEC. 106. PROMOTING TRANSPARENCY TO ENFORCE THE**
 14 **VOTING RIGHTS ACT.**

15 (a) TRANSPARENCY.—The Voting Rights Act of 1965
 16 (52 U.S.C. 10301 et seq.) is amended by inserting after
 17 section 5 the following:

18 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
 19 **TECT VOTING RIGHTS.**

20 “(a) NOTICE OF ENACTED CHANGES.—

21 “(1) NOTICE OF CHANGES.—If a State or polit-
 22 ical subdivision makes any change in any qualifica-
 23 tion or prerequisite to voting or standard, practice,
 24 or procedure with respect to voting in any election
 25 for Federal office that will result in the qualification

1 or prerequisite, standard, practice, or procedure
2 being different from that which was in effect as of
3 180 days before the date of the election for Federal
4 office, the State or political subdivision shall provide
5 reasonable public notice in such State or political
6 subdivision and on the website of the State or polit-
7 ical subdivision, of a concise description of the
8 change, including the difference between the
9 changed qualification or prerequisite, standard, prac-
10 tice, or procedure and the qualification, prerequisite,
11 standard, practice, or procedure which was pre-
12 viously in effect. The public notice described in this
13 paragraph, in such State or political subdivision and
14 on the website of a State or political subdivision,
15 shall be in a format that is reasonably convenient
16 and accessible to persons with disabilities who are el-
17 igible to vote, including persons who have low vision
18 or are blind.

19 “(2) DEADLINE FOR NOTICE.—A State or polit-
20 ical subdivision shall provide the public notice re-
21 quired under paragraph (1) not later than 48 hours
22 after making the change involved.

23 “(b) TRANSPARENCY REGARDING POLLING PLACE
24 RESOURCES.—

1 “(1) IN GENERAL.—In order to identify any
2 changes that may impact the right to vote of any
3 person, prior to the 30th day before the date of an
4 election for Federal office, each State or political
5 subdivision with responsibility for allocating reg-
6 istered voters, voting machines, and official poll
7 workers to particular precincts and polling places
8 shall provide reasonable public notice in such State
9 or political subdivision and on the website of a State
10 or political subdivision, of the information described
11 in paragraph (2) for precincts and polling places
12 within such State or political subdivision. The public
13 notice described in this paragraph, in such State or
14 political subdivision and on the website of a State or
15 political subdivision, shall be in a format that is rea-
16 sonably convenient and accessible to persons with
17 disabilities who are eligible to vote, including persons
18 who have low vision or are blind.

19 “(2) INFORMATION DESCRIBED.—The informa-
20 tion described in this paragraph with respect to a
21 precinct or polling place is each of the following:

22 “(A) The name or number.

23 “(B) In the case of a polling place, the lo-
24 cation, including the street address, and wheth-

1 er such polling place is accessible to persons
2 with disabilities.

3 “(C) The voting-age population of the area
4 served by the precinct or polling place, broken
5 down by demographic group if such breakdown
6 is reasonably available to such State or political
7 subdivision.

8 “(D) The number of registered voters as-
9 signed to the precinct or polling place, broken
10 down by demographic group if such breakdown
11 is reasonably available to such State or political
12 subdivision.

13 “(E) The number of voting machines as-
14 signed, including the number of voting ma-
15 chines accessible to persons with disabilities
16 who are eligible to vote, including persons who
17 have low vision or are blind.

18 “(F) The number of official paid poll
19 workers assigned.

20 “(G) The number of official volunteer poll
21 workers assigned.

22 “(H) In the case of a polling place, the
23 dates and hours of operation.

24 “(3) UPDATES IN INFORMATION REPORTED.—

25 If a State or political subdivision makes any change

1 in any of the information described in paragraph
 2 (2), the State or political subdivision shall provide
 3 reasonable public notice in such State or political
 4 subdivision and on the website of a State or political
 5 subdivision, of the change in the information not
 6 later than 48 hours after the change occurs or, if
 7 the change occurs fewer than 48 hours before the
 8 date of the election for Federal office, as soon as
 9 practicable after the change occurs. The public no-
 10 tice described in this paragraph and published on
 11 the website of a State or political subdivision shall
 12 be in a format that is reasonably convenient and ac-
 13 cessible to persons with disabilities who are eligible
 14 to vote, including persons who have low vision or are
 15 blind.

16 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-
 17 MOGRAPHICS AND ELECTORAL DISTRICTS.—

18 “(1) REQUIRING PUBLIC NOTICE OF
 19 CHANGES.—Not later than 10 days after making
 20 any change in the constituency that will participate
 21 in an election for Federal, State, or local office or
 22 the boundaries of a voting unit or electoral district
 23 in an election for Federal, State, or local office (in-
 24 cluding through redistricting, reapportionment,
 25 changing from at-large elections to district-based

elections, or changing from district-based elections to at-large elections), a State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of a State or political subdivision, of the demographic and electoral data described in paragraph (3) for each of the geographic areas described in paragraph (2).

“(2) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this paragraph are as follows:

“(A) The State as a whole, if the change applies statewide, or the political subdivision as a whole, if the change applies across the entire political subdivision.

“(B) If the change includes a plan to replace or eliminate voting units or electoral districts, each voting unit or electoral district that will be replaced or eliminated.

“(C) If the change includes a plan to establish new voting units or electoral districts, each such new voting unit or electoral district.

“(3) DEMOGRAPHIC AND ELECTORAL DATA.—The demographic and electoral data described in this paragraph with respect to a geographic area described in paragraph (2) are each of the following:

1 “(A) The voting-age population, broken
2 down by demographic group.

3 “(B) The number of registered voters, bro-
4 ken down by demographic group if such break-
5 down is reasonably available to the State or po-
6 litical subdivision involved.

7 “(C)(i) If the change applies to a State,
8 the actual number of votes, or (if it is not rea-
9 sonably practicable for the State to ascertain
10 the actual number of votes) the estimated num-
11 ber of votes received by each candidate in each
12 statewide election held during the 5-year period
13 which ends on the date the change involved is
14 made; and

15 “(ii) if the change applies to only one polit-
16 ical subdivision, the actual number of votes, or
17 (if it is not reasonably practicable for the polit-
18 ical subdivision to ascertain the actual number
19 of votes) the estimated number of votes in each
20 subdivision-wide election held during the 5-year
21 period which ends on the date the change in-
22 volved is made.

23 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-
24 RISDICTIONS.—Compliance with this subsection shall

1 be voluntary for a political subdivision of a State un-
 2 less the subdivision is one of the following:

3 “(A) A county or parish.

4 “(B) A municipality with a population
 5 greater than 10,000, as determined by the Bu-
 6 reau of the Census under the most recent de-
 7 cennial census.

8 “(C) A school district with a population
 9 greater than 10,000, as determined by the Bu-
 10 reau of the Census under the most recent de-
 11 cennial census. For purposes of this subpara-
 12 graph, the term ‘school district’ means the geo-
 13 graphic area under the jurisdiction of a local
 14 educational agency (as defined in section 8101
 15 of the Elementary and Secondary Education
 16 Act of 1965).

17 “(d) RULES REGARDING FORMAT OF INFORMA-
 18 TION.—The Attorney General may issue rules specifying
 19 a reasonably convenient and accessible format that States
 20 and political subdivisions shall use to provide public notice
 21 of information under this section.

22 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
 23 vote of any person shall not be denied or abridged because
 24 the person failed to comply with any change made by a
 25 State or political subdivision to a voting qualification, pre-

1 requisite, standard, practice, or procedure if the State or
 2 political subdivision involved did not meet the applicable
 3 requirements of this section with respect to the change.

4 “(f) DEFINITIONS.—In this section—

5 “(1) the term ‘demographic group’ means each
 6 group which section 2 protects from the denial or
 7 abridgement of the right to vote on account of race
 8 or color, or in contravention of the guarantees set
 9 forth in section 4(f)(2);

10 “(2) the term ‘election for Federal office’ means
 11 any general, special, primary, or runoff election held
 12 solely or in part for the purpose of electing any can-
 13 didate for the office of President, Vice President,
 14 Presidential elector, Senator, Member of the House
 15 of Representatives, or Delegate or Resident Commis-
 16 sioner to the Congress; and

17 “(3) the term ‘persons with disabilities’, means
 18 individuals with a disability, as defined in section 3
 19 of the Americans with Disabilities Act of 1990.”.

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a)(1) shall apply with respect to changes which
 22 are made on or after the expiration of the 60-day period
 23 which begins on the date of the enactment of this Act.

1 **SEC. 107. AUTHORITY TO ASSIGN OBSERVERS.**

2 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
3 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
4 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
5 10305(a)(2)(B)) is amended to read as follows:

6 “(B) in the Attorney General’s judgment,
7 the assignment of observers is otherwise nec-
8 essary to enforce the guarantees of the 14th or
9 15th Amendment or any provision of this Act
10 or any other Federal law protecting the right of
11 citizens of the United States to vote; or”.

12 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
13 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
14 such Act (52 U.S.C. 10305(a)) is amended—

15 (1) by striking “or” at the end of paragraph
16 (1);

17 (2) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) the Attorney General certifies with respect
20 to a political subdivision that—

21 “(A) the Attorney General has received
22 written meritorious complaints from residents,
23 elected officials, or civic participation organiza-
24 tions that efforts to violate section 203 are like-
25 ly to occur; or

1 “(B) in the Attorney General’s judgment,
 2 the assignment of observers is necessary to en-
 3 force the guarantees of section 203;” and

4 (3) by moving the margin for the continuation
 5 text following paragraph (3), as added by paragraph
 6 (2) of this subsection, 2 ems to the left.

7 (c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS
 8 TO THE ATTORNEY GENERAL.—

9 (1) ENFORCEMENT PROCEEDINGS.—Section
 10 3(a) of the Voting Rights Act of 1965 (52 U.S.C.
 11 10302(a)) is amended by striking “United States
 12 Civil Service Commission in accordance with section
 13 6” and inserting “Attorney General in accordance
 14 with section 8”.

15 (2) OBSERVERS; APPOINTMENT AND COM-
 16 PENSATION.—Section 8 of the Voting Rights Act of
 17 1965 (52 U.S.C. 10305) is amended—

18 (A) in subsection (a), in the flush matter
 19 at the end, by striking “Director of the Office
 20 of Personnel Management shall assign as many
 21 observers for such subdivision as the Director”
 22 and inserting “Attorney General shall assign as
 23 many observers for such subdivision as the At-
 24 torney General”;

(B) in subsection (c), by striking “Director of the Office of Personnel Management” and inserting “Attorney General”; and

(C) in subsection (c), by adding at the end the following: “The Director of the Office of Personnel Management may, with the consent of the Attorney General, assist in the selection, recruitment, hiring, training, or deployment of these or other individuals authorized by the Attorney General for the purpose of observing whether persons who are entitled to vote are being permitted to vote and whether those votes are being properly tabulated.”.

(3) TERMINATION OF CERTAIN APPOINTMENTS OF OBSERVERS.—Section 13(a)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is amended by striking “notifies the Director of the Office of Personnel Management,” and inserting “determines,”.

SEC. 108. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.

(a) POLL TAX.—Section 10(b) of the Voting Rights Act of 1965 (52 U.S.C. 10306(b)) is amended by striking “the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions,” and inserting “an aggrieved person or (in the name

1 of the United States) the Attorney General may institute
2 such actions”.

3 (b) CAUSE OF ACTION.—Section 12(d) of the Voting
4 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended to
5 read as follows:

6 “(d) Whenever there are reasonable grounds to be-
7 lieve that any person has engaged in, or is about to engage
8 in, any act or practice that would (1) deny any citizen
9 the right to register, to cast a ballot, or to have that ballot
10 counted properly and included in the appropriate totals
11 of votes cast in violation of the 14th, 15th, 19th, 24th,
12 or 26th Amendments to the Constitution of the United
13 States, (2) violate subsection (a) or (b) of section 11, or
14 (3) violate any other provision of this Act or any other
15 Federal voting rights law that prohibits discrimination on
16 the basis of race, color, or membership in a language mi-
17 nority group, an aggrieved person or (in the name of the
18 United States) the Attorney General may institute an ac-
19 tion for preventive relief, including an application for a
20 temporary or permanent injunction, restraining order, or
21 other appropriate order. Nothing in this subsection shall
22 be construed to create a cause of action for civil enforce-
23 ment of criminal provisions of this or any other Act.”.

24 (c) JUDICIAL RELIEF.—Section 204 of the Voting
25 Rights Act of 1965 (52 U.S.C. 10504) is amended by

1 striking the first sentence and inserting the following:
 2 “Whenever there are reasonable grounds to believe that
 3 a State or political subdivision has engaged or is about
 4 to engage in any act or practice prohibited by a provision
 5 of this title, an aggrieved person or (in the name of the
 6 United States) the Attorney General may institute an ac-
 7 tion in a district court of the United States, for a restrain-
 8 ing order, a preliminary or permanent injunction, or such
 9 other order as may be appropriate.”.

10 (d) ENFORCEMENT OF TWENTY-SIXTH AMEND-
 11 MENT.—Section 301(a)(1) of the Voting Rights Act of
 12 1965 (52 U.S.C. 10701(a)(1)) is amended to read as fol-
 13 lows:

14 “(a)(1) An aggrieved person or (in the name of the
 15 United States) the Attorney General may institute an ac-
 16 tion in a district court of the United States, for a restrain-
 17 ing order, a preliminary or permanent injunction, or such
 18 other order as may be appropriate to implement the 26th
 19 Amendment to the Constitution of the United States.”.

20 **SEC. 109. PREVENTIVE RELIEF.**

21 Section 12(d) of the Voting Rights Act of 1965 (52
 22 U.S.C. 10308(d)), as amended by section 108, is further
 23 amended by adding at the end the following:

24 “(2)(A) In considering any motion for preliminary re-
 25 lief in any action for preventive relief described in this sub-

1 section, the court shall grant the relief if the court deter-
2 mines that the complainant has raised a serious question
3 as to whether the challenged voting qualification or pre-
4 requisite to voting or standard, practice, or procedure vio-
5 lates any of the provisions listed in section 11(a)(1) of the
6 John R. Lewis Voting Rights Advancement Act and, on
7 balance, the hardship imposed on the defendant by the
8 grant of the relief will be less than the hardship which
9 would be imposed on the plaintiff if the relief were not
10 granted.

11 “(B) In making its determination under this para-
12 graph with respect to a change in any voting qualification,
13 prerequisite to voting, or standard, practice, or procedure
14 with respect to voting, the court shall consider all relevant
15 factors and give due weight to the following factors, if they
16 are present:

17 “(i) Whether the qualification, prerequisite,
18 standard, practice, or procedure in effect prior to the
19 change was adopted as a remedy for a Federal court
20 judgment, consent decree, or admission regarding—

21 “(I) discrimination on the basis of race or
22 color in violation of the 14th or 15th Amend-
23 ment to the Constitution of the United States;

1 “(II) a violation of the 19th, 24th, or 26th
2 Amendments to the Constitution of the United
3 States;

4 “(III) a violation of this Act; or

5 “(IV) voting discrimination on the basis of
6 race, color, or membership in a language minor-
7 ity group in violation of any other Federal or
8 State law.

9 “(ii) Whether the qualification, prerequisite,
10 standard, practice, or procedure in effect prior to the
11 change served as a ground for the dismissal or set-
12 tlement of a claim alleging—

13 “(I) discrimination on the basis of race or
14 color in violation of the 14th or 15th Amend-
15 ment to the Constitution of the United States;

16 “(II) a violation of the 19th, 24th, or 26th
17 Amendment to the Constitution of the United
18 States;

19 “(III) a violation of this Act; or

20 “(IV) voting discrimination on the basis of
21 race, color, or membership in a language minor-
22 ity group in violation of any other Federal or
23 State law.

24 “(iii) Whether the change was adopted fewer
25 than 180 days before the date of the election with

1 respect to which the change is to take or takes ef-
2 fect.

3 “(iv) Whether the defendant has failed to pro-
4 vide timely or complete notice of the adoption of the
5 change as required by applicable Federal or State
6 law.

7 “(3) A jurisdiction’s inability to enforce its voting or
8 election laws, regulations, policies, or redistricting plans,
9 standing alone, shall not be deemed to constitute irrep-
10 arable harm to the public interest or to the interests of
11 a defendant in an action arising under the Constitution
12 or any Federal law that prohibits discrimination on the
13 basis of race, color, or membership in a language minority
14 group in the voting process, for the purposes of deter-
15 mining whether a stay of a court’s order or an interlocu-
16 tory appeal under section 1253 of title 28, United States
17 Code, is warranted.”.

18 **SEC. 110. BILINGUAL ELECTION REQUIREMENTS.**

19 Section 203(b)(1) of the Voting Rights Act of 1965
20 (52 U.S.C. 10503(b)(1)) is amended by striking “2032”
21 and inserting “2037”.

22 **SEC. 111. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**
23 **LAWS.**

24 (a) IN GENERAL.—

1 (1) RELIEF FOR VIOLATIONS OF VOTING
2 RIGHTS LAWS.—In this section, the term “prohibited
3 act or practice” means—

4 (A) any act or practice—

5 (i) that creates an undue burden on
6 the fundamental right to vote in violation
7 of the 14th Amendment to the Constitu-
8 tion of the United States or violates the
9 Equal Protection Clause of the 14th
10 Amendment to the Constitution of the
11 United States; or

12 (ii) that is prohibited by the 15th,
13 19th, 24th, or 26th Amendment to the
14 Constitution of the United States, section
15 2004 of the Revised Statutes (52 U.S.C.
16 10101), the Voting Rights Act of 1965 (52
17 U.S.C. 10301 et seq.), the National Voter
18 Registration Act of 1993 (52 U.S.C.
19 20501 et seq.), the Uniformed and Over-
20 seas Citizens Absentee Voting Act (52
21 U.S.C. 20301 et seq.), the Help America
22 Vote Act of 2002 (52 U.S.C. 20901 et
23 seq.), the Voting Accessibility for the El-
24 derly and Handicapped Act (52 U.S.C.

1 20101 et seq.), or section 2003 of the Re-
 2 vised Statutes (52 U.S.C. 10102); and

3 (B) any act or practice in violation of any
 4 Federal law that prohibits discrimination with
 5 respect to voting, including the Americans with
 6 Disabilities Act of 1990 (42 U.S.C. 12101 et
 7 seq.).

8 (2) RULE OF CONSTRUCTION.—Nothing in this
 9 section shall be construed to diminish the authority
 10 or scope of authority of any person to bring an ac-
 11 tion under any Federal law.

12 (3) ATTORNEY’S FEES.—Section 722(b) of the
 13 Revised Statutes (42 U.S.C. 1988(b)) is amended by
 14 inserting “a provision described in section 111(a)(1)
 15 of the John R. Lewis Voting Rights Advancement
 16 Act of 2021,” after “title VI of the Civil Rights Act
 17 of 1964,”.

18 (b) GROUNDS FOR EQUITABLE RELIEF.—In any ac-
 19 tion for equitable relief pursuant to a law listed under sub-
 20 section (a), proximity of the action to an election shall not
 21 be a valid reason to deny such relief, or stay the operation
 22 of or vacate the issuance of such relief, unless the party
 23 opposing the issuance or continued operation of relief
 24 meets the burden of proving by clear and convincing evi-
 25 dence that the issuance of the relief would be so close in

1 time to the election as to cause irreparable harm to the
 2 public interest or that compliance with such relief would
 3 impose serious burdens on the party opposing relief.

4 (1) IN GENERAL.—In considering whether to
 5 grant, deny, stay, or vacate any order of equitable
 6 relief, the court shall give substantial weight to the
 7 public’s interest in expanding access to the right to
 8 vote. A State’s generalized interest in enforcing its
 9 enacted laws shall not be a relevant consideration in
 10 determining whether equitable relief is warranted.

11 (2) PRESUMPTIVE SAFE HARBOR.—Where equi-
 12 table relief is sought either within 30 days of the
 13 adoption or reasonable public notice of the chal-
 14 lenged policy or practice, or more than 45 days be-
 15 fore the date of an election to which the relief being
 16 sought will apply, proximity to the election will be
 17 presumed not to constitute a harm to the public in-
 18 terest or a burden on the party opposing relief.

19 (c) GROUNDS FOR STAY OR VACATUR IN FEDERAL
 20 CLAIMS INVOLVING VOTING RIGHTS.—

21 (1) PROSPECTIVE EFFECT.—In reviewing an
 22 application for a stay or vacatur of equitable relief
 23 granted pursuant to a law listed in subsection (a),
 24 a court shall give substantial weight to the reliance
 25 interests of citizens who acted pursuant to such

1 order under review. In fashioning a stay or vacatur,
 2 a reviewing court shall not order relief that has the
 3 effect of denying or abridging the right to vote of
 4 any citizen who has acted in reliance on the order.

5 (2) WRITTEN EXPLANATION.—No stay or
 6 vacatur under this subsection shall issue unless the
 7 reviewing court makes specific findings that the pub-
 8 lic interest, including the public’s interest in expand-
 9 ing access to the ballot, will be harmed by the con-
 10 tinuing operation of the equitable relief or that com-
 11 pliance with such relief will impose serious burdens
 12 on the party seeking such a stay or vacatur such
 13 that those burdens substantially outweigh the bene-
 14 fits to the public interest. In reviewing an applica-
 15 tion for a stay or vacatur of equitable relief, findings
 16 of fact made in issuing the order under review shall
 17 not be set aside unless clearly erroneous.

18 **SEC. 112. PROTECTION OF TABULATED VOTES.**

19 The Voting Rights Act of 1965 (52 U.S.C. 10307)
 20 is amended—

21 (1) in section 11—

22 (A) by amending subsection (a) to read as
 23 follows:

24 “(a) No person acting under color of law shall—

1 “(1) fail or refuse to permit any person to vote
 2 who is entitled to vote under Federal law or is other-
 3 wise qualified to vote;

4 “(2) willfully fail or refuse to tabulate, count,
 5 and report such person’s vote; or

6 “(3) willfully fail or refuse to certify the aggre-
 7 gate tabulations of such persons’ votes or certify the
 8 election of the candidates receiving sufficient such
 9 votes to be elected to office.”; and

10 (B) in subsection (b), by inserting “sub-
 11 section (a) or” after “duties under”; and

12 (2) in section 12—

13 (A) in subsection (b)—

14 (i) by striking “a year following an
 15 election in a political subdivision in which
 16 an observer has been assigned” and insert-
 17 ing “22 months following an election for
 18 Federal office”; and

19 (ii) by adding at the end the fol-
 20 lowing: “Whenever the Attorney General
 21 has reasonable grounds to believe that any
 22 person has engaged in or is about to en-
 23 gage in an act in violation of this sub-
 24 section, the Attorney General may institute
 25 (in the name of the United States) a civil

1 action in Federal district court seeking ap-
2 propriate relief.”;

3 (B) in subsection (c), by inserting “or so-
4 licits a violation of” after “conspires to violate”;
5 and

6 (C) in subsection (e), by striking the first
7 and second sentences and inserting the fol-
8 lowing: “If, after the closing of the polls in an
9 election for Federal office, persons allege that
10 notwithstanding (1) their registration by an ap-
11 propriate election official and (2) their eligi-
12 bility to vote in the political subdivision, their
13 ballots have not been counted in such election,
14 and if upon prompt receipt of notifications of
15 these allegations, the Attorney General finds
16 such allegations to be well founded, the Attor-
17 ney General may forthwith file with the district
18 court an application for an order providing for
19 the counting and certification of the ballots of
20 such persons and requiring the inclusion of
21 their votes in the total vote for all applicable of-
22 fices before the results of such election shall be
23 deemed final and any force or effect given
24 thereto.”.

1 **SEC. 113. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY**

2 **GENERAL.**

3 Section 12 of the Voting Rights Act of 1965 (52
4 U.S.C. 10308), as amended by this Act, is further amend-
5 ed by adding at the end the following:

6 “(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY
7 GENERAL.—

8 “(1) IN GENERAL.—In order to fulfill the At-
9 torney General’s responsibility to enforce this Act
10 and other Federal laws that protect the right to
11 vote, the Attorney General (or upon designation by
12 the Attorney General, the Assistant Attorney Gen-
13 eral for Civil Rights) is authorized, before com-
14 mencing a civil action, to issue a demand for inspec-
15 tion and information in writing to any State or polit-
16 ical subdivision, or other governmental representa-
17 tive or agent, with respect to any relevant documen-
18 tary material that the Attorney General has reason
19 to believe is within their possession, custody, or con-
20 trol. A demand by the Attorney General under this
21 subsection may require—

22 “(A) the production of such documentary
23 material for inspection and copying;

24 “(B) answers in writing to written ques-
25 tions with respect to such documentary mate-
26 rial; or

1 “(C) both the production described under
2 subparagraph (A) and the answers described
3 under subparagraph (B).

4 “(2) CONTENTS OF AN ATTORNEY GENERAL
5 DEMAND.—

6 “(A) IN GENERAL.—Any demand issued
7 under paragraph (1), shall include a sworn cer-
8 tificate to identify the voting qualification or
9 prerequisite to voting or standard, practice, or
10 procedure with respect to voting, or other vot-
11 ing related matter or issue, whose lawfulness
12 the Attorney General is investigating and to
13 identify the Federal law that protects the right
14 to vote under which the investigation is being
15 conducted. The demand shall be reasonably cal-
16 culated to lead to the discovery of documentary
17 material and information relevant to such inves-
18 tigation. Documentary material includes any
19 material upon which relevant information is re-
20 corded, and includes written or printed mate-
21 rials, photographs, tapes, or materials upon
22 which information is electronically or magneti-
23 cally recorded. Such demands shall be aimed at
24 the Attorney General having the ability to in-
25 spect and obtain copies of relevant materials (as

1 well as obtain information) related to voting
2 and are not aimed at the Attorney General tak-
3 ing possession of original records, particularly
4 those that are required to be retained by State
5 and local election officials under Federal or
6 State law.

7 “(B) NO REQUIREMENT FOR PRODUC-
8 TION.—Any demand issued under paragraph
9 (1) may not require the production of any docu-
10 mentary material or the submission of any an-
11 swers in writing to written questions if such
12 material or answers would be protected from
13 disclosure under the standards applicable to
14 discovery requests under the Federal Rules of
15 Civil Procedure in an action in which the Attor-
16 ney General or the United States is a party.

17 “(C) DOCUMENTARY MATERIAL.—If the
18 demand issued under paragraph (1) requires
19 the production of documentary material, it
20 shall—

21 “(i) identify the class of documentary
22 material to be produced with such definite-
23 ness and certainty as to permit such mate-
24 rial to be fairly identified; and

1 “(ii) prescribe a return date for pro-
2 duction of the documentary material at
3 least 20 days after issuance of the demand
4 to give the State or political subdivision, or
5 other governmental representative or
6 agent, a reasonable period of time for as-
7 sembling the documentary material and
8 making it available for inspection and
9 copying.

10 “(D) ANSWERS TO WRITTEN QUES-
11 TIONS.—If the demand issued under paragraph
12 (1) requires answers in writing to written ques-
13 tions, it shall—

14 “(i) set forth with specificity the writ-
15 ten question to be answered; and

16 “(ii) prescribe a date at least 20 days
17 after the issuance of the demand for sub-
18 mitting answers in writing to the written
19 questions.

20 “(E) SERVICE.—A demand issued under
21 paragraph (1) may be served by a United
22 States marshal or a deputy marshal, or by cer-
23 tified mail, at any place within the territorial
24 jurisdiction of any court of the United States.

1 “(3) RESPONSES TO AN ATTORNEY GENERAL
2 DEMAND.—A State or political subdivision, or other
3 governmental representative or agent, shall, with re-
4 spect to any documentary material or any answer in
5 writing produced under this subsection, provide a
6 sworn certificate, in such form as the demand issued
7 under paragraph (1) designates, by a person having
8 knowledge of the facts and circumstances relating to
9 such production or written answer, authorized to act
10 on behalf of the State or political subdivision, or
11 other governmental representative or agent, upon
12 which the demand was served. The certificate—

13 “(A) shall state that—

14 “(i) all of the documentary material
15 required by the demand and in the posses-
16 sion, custody, or control of the State or po-
17 litical subdivision, or other governmental
18 representative or agent, has been produced;

19 “(ii) with respect to every answer in
20 writing to a written question, all informa-
21 tion required by the question and in the
22 possession, custody, control, or knowledge
23 of the State or political subdivision, or
24 other governmental representative or
25 agent, has been submitted; or

1 “(iii) the requirements described in
2 both clause (i) and clause (ii) have been
3 met; or

4 “(B) provide the basis for any objection to
5 producing the documentary material or answer-
6 ing the written question.

7 To the extent that any information is not furnished,
8 the information shall be identified and reasons set
9 forth with particularity regarding the reasons why
10 the information was not furnished.

11 “(4) JUDICIAL PROCEEDINGS.—

12 “(A) PETITION FOR ENFORCEMENT.—

13 Whenever any State or political subdivision, or
14 other governmental representative or agent,
15 fails to comply with demand issued by the At-
16 torney General under paragraph (1), the Attor-
17 ney General may file, in a district court of the
18 United States in which the State or political
19 subdivision, or other governmental representa-
20 tive or agent, is located, a petition for a judicial
21 order enforcing the Attorney General demand
22 issued under paragraph (1).

23 “(B) PETITION TO MODIFY.—

24 “(i) IN GENERAL.—Any State or po-
25 litical subdivision, or other governmental

1 representative or agent, that is served with
2 a demand issued by the Attorney General
3 under paragraph (1) may file in the United
4 States District Court for the District of
5 Columbia a petition for an order of the
6 court to modify or set aside the demand of
7 the Attorney General.

8 “(ii) PETITION TO MODIFY.—Any pe-
9 tition to modify or set aside a demand of
10 the Attorney General issued under para-
11 graph (1) must be filed within 20 days
12 after the date of service of the Attorney
13 General’s demand or at any time before
14 the return date specified in the Attorney
15 General’s demand, whichever date is ear-
16 lier.

17 “(iii) CONTENTS OF PETITION.—The
18 petition shall specify each ground upon
19 which the petitioner relies in seeking relief
20 under clause (i), and may be based upon
21 any failure of the Attorney General’s de-
22 mand to comply with the provisions of this
23 section or upon any constitutional or other
24 legal right or privilege of the State or po-
25 litical subdivision, or other governmental

1 representative or agent. During the pend-
 2 ency of the petition in the court, the court
 3 may stay, as it deems proper, the running
 4 of the time allowed for compliance with the
 5 Attorney General’s demand, in whole or in
 6 part, except that the State or political sub-
 7 division, or other governmental representa-
 8 tive or agent, filing the petition shall com-
 9 ply with any portions of the Attorney Gen-
 10 eral’s demand not sought to be modified or
 11 set aside.”.

12 **SEC. 114. DEFINITIONS.**

13 Title I of the Voting Rights Act of 1965 (52 U.S.C.
 14 10301) is amended by adding at the end the following:

15 **“SEC. 21. DEFINITIONS.**

16 “In this Act:

17 “(1) INDIAN.—The term ‘Indian’ has the mean-
 18 ing given the term in section 4 of the Indian Self-
 19 Determination and Education Assistance Act (25
 20 U.S.C. 5304).

21 “(2) INDIAN LANDS.—The term ‘Indian lands’
 22 means—

23 “(A) any Indian country of an Indian
 24 tribe, as such term is defined in section 1151
 25 of title 18, United States Code;

1 “(B) any land in Alaska that is owned,
 2 pursuant to the Alaska Native Claims Settle-
 3 ment Act, by an Indian tribe that is a Native
 4 village (as such term is defined in section 3 of
 5 such Act), or by a Village Corporation that is
 6 associated with the Indian tribe (as such term
 7 is defined in section 3 of such Act);

8 “(C) any land on which the seat of govern-
 9 ment of the Indian tribe is located; and

10 “(D) any land that is part or all of a tribal
 11 designated statistical area associated with the
 12 Indian tribe, or is part or all of an Alaska Na-
 13 tive village statistical area associated with the
 14 tribe, as defined by the Bureau of the Census
 15 for the purposes of the most recent decennial
 16 census.

17 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or
 18 ‘tribe’ has the meaning given the term ‘Indian tribe’
 19 in section 4 of the Indian Self-Determination and
 20 Education Assistance Act (25 U.S.C. 5304).

21 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
 22 Government’ means the recognized governing body
 23 of an Indian Tribe.

24 “(5) VOTING-AGE POPULATION.—The term
 25 ‘voting-age population’ means the numerical size of

1 the population within a State, within a political sub-
 2 division, or within a political subdivision that con-
 3 tains Indian lands, as the case may be, that consists
 4 of persons age 18 or older, as calculated by the Bu-
 5 reau of the Census under the most recent decennial
 6 census.”.

7 **SEC. 115. ATTORNEYS’ FEES.**

8 Section 14(c) of the Voting Rights Act of 1965 (52
 9 U.S.C. 10310(c)) is amended by adding at the end the
 10 following:

11 “(4) The term ‘prevailing party’ means a party to an
 12 action that receives at least some of the benefit sought
 13 by such action, states a colorable claim, and can establish
 14 that the action was a significant cause of a change to the
 15 status quo.”.

16 **SEC. 116. OTHER TECHNICAL AND CONFORMING AMEND-**
 17 **MENTS.**

18 (a) ACTIONS COVERED UNDER SECTION 3.—Section
 19 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
 20 10302(c)) is amended—

21 (1) by striking “any proceeding instituted by
 22 the Attorney General or an aggrieved person under
 23 any statute to enforce” and inserting “any action
 24 under any statute in which a party (including the
 25 Attorney General) seeks to enforce”; and

1 (2) by striking “at the time the proceeding was
2 commenced” and inserting “at the time the action
3 was commenced”.

4 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
5 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
6 (52 U.S.C. 10303(f)) is amended—

7 (1) in paragraph (1), by striking the second
8 sentence; and

9 (2) by striking paragraphs (3) and (4).

10 (c) PERIOD DURING WHICH CHANGES IN VOTING
11 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
12 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
13 is amended—

14 (1) in subsection (a), by striking “based upon
15 determinations made under the first sentence of sec-
16 tion 4(b) are in effect” and inserting “are in effect
17 during a calendar year”;

18 (2) in subsection (a), by striking “November 1,
19 1964” and all that follows through “November 1,
20 1972” and inserting “the applicable date of cov-
21 erage”; and

22 (3) by adding at the end the following new sub-
23 section:

24 “(e) The term ‘applicable date of coverage’ means,
25 with respect to a State or political subdivision—

1 “(1) June 25, 2013, if the most recent deter-
 2 mination for such State or subdivision under section
 3 4(b) was made on or before December 31, 2021; or
 4 “(2) the date on which the most recent deter-
 5 mination for such State or subdivision under section
 6 4(b) was made, if such determination was made
 7 after December 31, 2021.”.

8 (d) REVIEW OF PRECLEARANCE SUBMISSION UNDER
 9 SECTION 5 DUE TO EXIGENCY.—Section 5 of such Act
 10 (52 U.S.C. 10304) is amended, in subsection (a), by in-
 11 serting “An exigency, including a natural disaster, inclem-
 12 ent weather, or other unforeseeable event, requiring such
 13 different qualification, prerequisite, standard, practice, or
 14 procedure within 30 days of a Federal, State, or local elec-
 15 tion shall constitute good cause requiring the Attorney
 16 General to expedite consideration of the submission.” after
 17 “will not be made.”.

18 **SEC. 117. SEVERABILITY.**

19 If any provision of the John R. Lewis Voting Rights
 20 Advancement Act of 2021 or any amendment made by this
 21 title, or the application of such a provision or amendment
 22 to any person or circumstance, is held to be unconstitu-
 23 tional or is otherwise enjoined or unenforceable, the re-
 24 mainder of this title and amendments made by this title,
 25 and the application of the provisions and amendments to

1 any other person or circumstance, and any remaining pro-
 2 vision of the Voting Rights Act of 1965 (52 U.S.C. 10301
 3 et seq.), shall not be affected by the holding. In addition,
 4 if any provision of the Voting Rights Act of 1965 (52
 5 U.S.C. 10301 et seq.), or any amendment to the Voting
 6 Rights Act of 1965, or the application of such a provision
 7 or amendment to any person or circumstance, is held to
 8 be unconstitutional or is otherwise enjoined or unenforce-
 9 able, the application of the provision and amendment to
 10 any other person or circumstance, and any remaining pro-
 11 visions of the Voting Rights Act of 1965, shall not be af-
 12 fected by the holding.

13 **SEC. 118. GRANTS TO ASSIST WITH NOTICE REQUIREMENTS**
 14 **UNDER THE VOTING RIGHTS ACT OF 1965.**

15 (a) IN GENERAL.—The Attorney General shall make
 16 grants each fiscal year to small jurisdictions who submit
 17 applications under subsection (b) for purposes of assisting
 18 such small jurisdictions with compliance with the require-
 19 ments of the Voting Rights Act of 1965 to submit or pub-
 20 lish notice of any change to a qualification, prerequisite,
 21 standard, practice or procedure affecting voting.

22 (b) APPLICATION.—To be eligible for a grant under
 23 this section, a small jurisdiction shall submit an applica-
 24 tion to the Attorney General in such form and containing
 25 such information as the Attorney General may require re-

1 guarding the compliance of such small jurisdiction with the
 2 provisions of the Voting Rights Act of 1965.

3 (c) **SMALL JURISDICTION DEFINED.**—For purposes
 4 of this section, the term “small jurisdiction” means any
 5 political subdivision of a State with a population of 10,000
 6 or less.

7 **TITLE II—ELECTION WORKER** 8 **AND POLLING PLACE PRO-** 9 **TECTION**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “Election Worker and
 12 Polling Place Protection Act”.

13 **SEC. 202. FEDERALLY PROTECTED ACTIVITIES.**

14 Section 245 of title 18, United States Code, is
 15 amended—

16 (1) in subsection (b)—

17 (A) in the matter preceding paragraph (1),
 18 by striking “willfully” and inserting “, or vio-
 19 lence, or threat of harm to any person or prop-
 20 erty, intentionally”;

21 (B) in paragraph (1)(A), by inserting “, or
 22 any agent, contractor, or vendor of a legally au-
 23 thorized election official assisting in the admin-
 24 istration of any primary, special, or general
 25 election” before the semicolon at the end; and

1 (C) in the undesignated matter following
2 paragraph (5)—

3 (i) by striking “one year” and insert-
4 ing “3 years”; and

5 (ii) by striking “of this section” each
6 place it appears and inserting “of this sub-
7 section”;

8 (2) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively; and

10 (3) by inserting after subsection (b) the fol-
11 lowing:

12 “(c)(1) Whoever, whether or not acting under color
13 of law, intentionally physically damages or threatens to
14 physically damage any physical property being used as a
15 polling place or tabulation center or other election infra-
16 structure shall be fined under this title, or imprisoned not
17 more than 1 year, or both; and if bodily injury results
18 from the acts committed in violation of this subsection or
19 if such acts include the use, attempted use, or threatened
20 use of a dangerous weapon, explosives, or fire shall be
21 fined under this title, or imprisoned not more than 10
22 years, or both; and if death results from the acts com-
23 mitted in violation of this subsection or if such acts include
24 kidnapping or an attempt to kidnap, aggravated sexual
25 abuse or an attempt to commit aggravated sexual abuse,

1 or an attempt to kill, shall be fined under this title or
 2 imprisoned for any term of years or for life, or both.

3 “(2) For purposes of this subsection, de minimus
 4 damage or threats of de minimus damage to physical prop-
 5 erty, such as graffiti, shall not be considered a violation
 6 of paragraph (1).

7 “(3) In this subsection, the term ‘election infrastruc-
 8 ture’ means any office of an election official, staff, worker,
 9 or volunteer or any physical, mechanical, or electrical de-
 10 vice, structure, or tangible item used in the process of cre-
 11 ating, distributing, voting, returning, counting, tabulating,
 12 auditing, storing, or other handling of voter registration
 13 or ballot information.”.

14 **TITLE III—NATIVE AMERICAN** 15 **VOTING RIGHTS ACT**

16 **SEC. 301. SHORT TITLE.**

17 This title may be cited as the “Frank Harrison, Eliz-
 18 abeth Peratrovich, and Miguel Trujillo Native American
 19 Voting Rights Act of 2021”.

20 **SEC. 302. FINDINGS AND PURPOSES.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) The Constitution explicitly and implicitly
 23 grants Congress broad general powers to legislate on
 24 issues relating to Indian Tribes, powers consistently
 25 described as plenary and exclusive. These powers

1 arise from the grant of authority in the Indian Com-
2 merce Clause and through legislative matters arising
3 under the Treaty Clause.

4 (2) The Federal Government is responsible for
5 upholding the obligations to which the Federal Gov-
6 ernment has agreed through treaties, legislation, and
7 executive orders, referred to as the Federal trust re-
8 sponsibility toward Indian Tribes and their mem-
9 bers.

10 (3) The Supreme Court has repeatedly relied on
11 the nature of this “government to government” rela-
12 tionship between the United States and sovereign
13 Indian Tribes for congressional authority to enact
14 “legislation that singles out Indians for particular
15 and special treatment”. *Morton v. Mancari*, 417
16 U.S. 535, 554–555 (1974).

17 (4) Legislation removing barriers to Native
18 American voting is vital for the fulfillment of Con-
19 gress’ “unique obligation” toward Indians, particu-
20 larly ensuring that Native American voters are fully
21 included as “qualified members of the modern body
22 politic”. *Board of County Comm’rs v. Seber*, 318
23 U.S. 705, 715 (1943).

24 (5) Under the Elections Clause of article I, sec-
25 tion 4 of the Constitution, Congress has additional

1 power to regulate any election conducted to select
2 Members of Congress. Taken together, the Indian
3 Commerce Clause and the Election Clause give Con-
4 gress broad authority to enact legislation to safe-
5 guard the voting rights of Native American voters.

6 (6) Despite Congress' decision to grant Native
7 Americans Federal citizenship, and with it the pro-
8 tections of the Fifteenth Amendment, with passage
9 of the Act of June 2, 1924 (Chapter 233; 43 Stat.
10 253) (commonly known as the "Indian Citizenship
11 Act of 1924"), States continued to deploy distinct
12 methods for disenfranchising Indians by enacting
13 statutes to exclude from voter rolls Indians living on
14 Indian lands, requiring that Indians first terminate
15 their relationship with their Indian Tribe, restricting
16 the right to vote on account of a Tribal member's
17 "guardianship" status, and imposing literacy tests.

18 (7) Barriers to voter access for Native Ameri-
19 cans persist today, and such barriers range from ob-
20 structing voter access to vote dilution and inten-
21 tional malapportionment of electoral districts.

22 (8) The Native American Voting Rights Coali-
23 tion's nine field hearings in Indian Country and
24 four-State survey of voter discrimination revealed a

1 number of additional obstacles that Native Ameri-
2 cans must overcome in some States, including—

3 (A) a lack of accessible registration and
4 polling sites, either due to conditions such as
5 geography, lack of paved roads, the absence of
6 reliable and affordable broadband connectivity,
7 and restrictions on the time, place, and manner
8 that eligible people can register and vote, in-
9 cluding unequal opportunities for absentee,
10 early, mail-in, and in-person voting;

11 (B) nontraditional or nonexistent addresses
12 for residents on Indian reservations, lack of res-
13 idential mail delivery and pick up, reliance on
14 distant post offices with abbreviated operating
15 hours for mail services, insufficient housing
16 units, overcrowded homes, and high incidence of
17 housing insecurity and homelessness, lack of ac-
18 cess to vehicles, and disproportionate poverty
19 which make voter registration, acquisition and
20 dropping off of mail-in ballots, receipt of voting
21 information and materials, and securing re-
22 quired identification difficult, if not impossible;

23 (C) inadequate language assistance for
24 Tribal members, including lack of outreach and
25 publicity, the failure to provide complete, accu-

1 rate, and uniform translations of all voting ma-
2 terials in the relevant Native language, and an
3 insufficient number of trained bilingual poll
4 workers; and

5 (D) voter identification laws that discrimi-
6 nate against Native Americans.

7 (9) The Department of Justice and courts also
8 recognized that some jurisdictions have been unre-
9 sponsive to reasonable requests from federally recog-
10 nized Indian Tribes for more accessible voter reg-
11 istration sites and in-person voting locations.

12 (10) According to the National Congress of
13 American Indians, there is a wide gap between the
14 voter registration and turnout rates of eligible Amer-
15 ican Indians and Alaska Natives and the voter reg-
16 istration and turnout rates of non-Hispanic White
17 and other racial and ethnic groups.

18 (11) Despite these obstacles, the Native Amer-
19 ican vote continues to play a significant role in Fed-
20 eral, State, and local elections.

21 (12) In Alaska, New Mexico, Oklahoma, and
22 South Dakota, Native Americans, American Indians,
23 and Alaska Natives comprise approximately 10 per-
24 cent or more of the voting population.

1 (13) The Native American vote also holds great
2 potential, with over 1,000,000 voters who are eligible
3 to vote, but are not registered to vote.

4 (b) PURPOSES.—The purposes of this title are—

5 (1) to fulfill the Federal Government’s trust re-
6 sponsibility to protect and promote Native Ameri-
7 cans’ exercise of their constitutionally guaranteed
8 right to vote, including the right to register to vote
9 and the ability to access all mechanisms for voting;

10 (2) to establish Tribal administrative review
11 procedures for a specific subset of State actions that
12 have been used to restrict access to the polls on In-
13 dian lands;

14 (3) to expand voter registration under the Na-
15 tional Voter Registration Act of 1993 (52 U.S.C.
16 20501 et seq.) to cover Federal facilities;

17 (4) to afford equal treatment to forms of identi-
18 fication unique to Indian Tribes and their members;

19 (5) to ensure American Indians and Alaska Na-
20 tives experiencing homelessness, housing insecurity,
21 or lacking residential mail pickup and delivery can
22 pool resources to pick up and return ballots;

23 (6) to clarify the obligations of States and polit-
24 ical subdivisions regarding the provision of trans-
25 lated voting materials for American Indians and

1 Alaska Natives under section 203 of the Voting
 2 Rights Act of 1965 (52 U.S.C. 10503);

3 (7) to provide Tribal leaders with a direct path-
 4 way to request Federal election observers and to
 5 allow public access to the reports of those election
 6 observers;

7 (8) to study the prevalence of nontraditional or
 8 nonexistent mailing addresses in Native communities
 9 and identify solutions to voter access that arise from
 10 the lack of an address; and

11 (9) to direct the Department of Justice to con-
 12 sult on an annual basis with Indian Tribes on issues
 13 related to voting.

14 **SEC. 303. DEFINITIONS.**

15 In this title:

16 (1) ATTORNEY GENERAL.—The term “Attorney
 17 General” means the United States Attorney General.

18 (2) INDIAN.—The term “Indian” has the mean-
 19 ing given the term in section 4 of the Indian Self-
 20 Determination and Education Assistance Act (25
 21 U.S.C. 5304).

22 (3) INDIAN LANDS.—The term “Indian lands”
 23 includes—

24 (A) Indian country as defined under sec-
 25 tion 1151 of title 18, United States Code;

1 (B) any land in Alaska owned, pursuant to
 2 the Alaska Native Claims Settlement Act (43
 3 U.S.C. 1601 et seq.), by an Indian Tribe that
 4 is a Native village (as defined in section 3 of
 5 that Act (43 U.S.C. 1602)) or by a Village Cor-
 6 poration that is associated with an Indian Tribe
 7 (as defined in section 3 of that Act (43 U.S.C.
 8 1602));

9 (C) any land on which the seat of the Trib-
 10 al government is located; and

11 (D) any land that is part or all of a Tribal
 12 designated statistical area associated with an
 13 Indian Tribe, or is part or all of an Alaska Na-
 14 tive village statistical area associated with an
 15 Indian Tribe, as defined by the Census Bureau
 16 for the purposes of the most recent decennial
 17 census.

18 (4) INDIAN TRIBE.—The term “Indian Tribe”
 19 means the recognized governing body of any Indian
 20 or Alaska Native Tribe, band, nation, pueblo, village,
 21 community, component band, or component reserva-
 22 tion, individually identified (including parentheti-
 23 cally) in the list published most recently as of the
 24 date of enactment of this title pursuant to section

(5) POLLING PLACE.—The term “polling place” means any location where a ballot is cast in elections for Federal office, and includes a voter center, poll, polling location, or polling place, depending on the State nomenclature.

8 SEC. 304. ESTABLISHMENT OF A NATIVE AMERICAN VOT-
9 ING TASK FORCE GRANT PROGRAM.

(a) IN GENERAL.—The Office for Civil Rights at the Office of Justice Programs of the Department of Justice (referred to in this section as the “Office”) shall establish and administer, in coordination with the Department of the Interior, a Native American voting task force grant program, through which the Office shall provide financial assistance to eligible applicants to enable those eligible applicants to establish and operate a Native American Voting Task Force in each State with a federally recognized Indian Tribe.

20 (b) PURPOSES.—The purposes of the Native Amer-
21 ican voting task force grant program are to—

(1) increase voter outreach, education, registration, and turnout in Native American communities;

1 (2) increase access to the ballot for Native
2 American communities, including additional satellite,
3 early voting, and absentee voting locations;

4 (3) streamline and reduce inconsistencies in the
5 voting process for Native Americans;

6 (4) provide, in the community's dominant lan-
7 guage, educational materials and classes on Indian
8 lands about candidacy filing;

9 (5) train and educate State and local employ-
10 ees, including poll workers, about—

11 (A) the language assistance and voter as-
12 sistance requirements under sections 203 and
13 208 of the Voting Rights Act of 1965 (52
14 U.S.C. 10503; 10508);

15 (B) voter identification laws as affected by
16 section 108 of this title; and

17 (C) the requirements of Tribes, States, and
18 precincts established under this title;

19 (6) identify model programs and best practices
20 for providing language assistance to Native Amer-
21 ican communities;

22 (7) provide nonpartisan poll watchers on elec-
23 tion day in Native American communities;

24 (8) participate in and evaluate future redis-
25 tricting efforts;

1 (9) address issues of internet connectivity as it
 2 relates to voter registration and ballot access in Na-
 3 tive American communities;

4 (10) work with Indian Tribes, States, and the
 5 Federal Government to establish mailing addresses
 6 that comply with applicable State and Federal re-
 7 quirements for receipt of voting information and ma-
 8 terials; and

9 (11) facilitate collaboration between local elec-
 10 tion officials, Native American communities, and
 11 Tribal elections offices.

12 (c) ELIGIBLE APPLICANT.—The term “eligible appli-
 13 cant” means—

14 (1) an Indian Tribe;

15 (2) a Secretary of State of a State, or another
 16 official of a State entity responsible for overseeing
 17 elections;

18 (3) a nonprofit organization that works, in
 19 whole or in part, on voting issues; or

20 (4) a consortium of entities described in para-
 21 graphs (1) through (3).

22 (d) APPLICATION AND SELECTION PROCESS.—

23 (1) IN GENERAL.—The Office, in coordination
 24 with the Department of the Interior and following
 25 consultation with Indian Tribes about the implemen-

1 tation of the Native American voting task force
2 grant program, shall establish guidelines for the
3 process by which eligible applicants will submit ap-
4 plications.

5 (2) APPLICATIONS.—Each eligible applicant de-
6 siring a grant under this section shall submit an ap-
7 plication, according to the process established under
8 paragraph (1), and at such time, in such manner,
9 and containing such information as the Office may
10 require. Such application shall include—

11 (A) a certification that the applicant is an
12 eligible applicant;

13 (B) a proposed work plan addressing how
14 the eligible applicant will establish and admin-
15 ister a Native American Voting Task Force
16 that achieves the purposes described in sub-
17 section (b);

18 (C) if the eligible applicant is a consortium
19 as described in subsection (c)(4), a description
20 of the proposed division of responsibilities be-
21 tween the participating entities;

22 (D) an explanation of the time period that
23 the proposed Native American Voting Task
24 Force will cover, which shall be a time period
25 that is not more than 3 years; and

1 (E) the goals that the eligible applicant de-
 2 sires to achieve with the grant funds.

3 (e) USES OF FUNDS.—A grantee receiving funds
 4 under this section shall use such funds to carry out one
 5 or more of the activities described in subsection (b),
 6 through the grantee’s Native American Voting Task
 7 Force.

8 (f) REPORTS.—

9 (1) REPORT TO THE OFFICE.—

10 (A) IN GENERAL.—Not later than 1 year
 11 after the date on which an eligible applicant re-
 12 ceives grant funds under this section, and annu-
 13 ally thereafter for the duration of the grant,
 14 each eligible applicant shall prepare and submit
 15 a written report to the Office describing the eli-
 16 gible applicant’s progress in achieving the goals
 17 outlined in the application under subsection
 18 (d)(2).

19 (B) RESPONSE.—Not later than 30 days
 20 after the date on which the Office receives the
 21 report described in paragraph (1), the Office
 22 will provide feedback, comments, and input to
 23 the eligible applicant in response to such report.

24 (2) REPORT TO CONGRESS.—Not later than 1
 25 year after the date of enactment of this title, and

1 annually thereafter, the Office shall prepare and
 2 submit a report to the Committee on Indian Affairs
 3 of the Senate and Committee on Natural Resources
 4 of the House of Representatives containing the re-
 5 sults of the reports described under paragraph (1).

6 (g) RELATIONSHIP WITH OTHER LAWS.—Nothing in
 7 this section reduces State or local obligations provided for
 8 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et
 9 seq.), the National Voter Registration Act of 1993 (52
 10 U.S.C. 20501 et seq.), the Help America Vote Act of 2002
 11 (52 U.S.C. 20901 et seq.), or any other Federal law or
 12 regulation related to voting or the electoral process.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this section
 15 \$10,000,000 for each of fiscal years 2022 through 2037.

16 **SEC. 305. VOTER REGISTRATION SITES AT INDIAN SERVICE**
 17 **PROVIDERS AND ON INDIAN LANDS.**

18 Section 7(a) of the National Voter Registration Act
 19 of 1993 (52 U.S.C. 20506(a)) is amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (A), by striking
 22 “and” after the semicolon;

23 (B) in subparagraph (B), by striking the
 24 period at the end and inserting a semicolon;
 25 and

1 (C) by adding at the end the following:

2 “(C) any Federal facility or federally fund-
3 ed facility that is primarily engaged in pro-
4 viding services to an Indian Tribe; and

5 “(D) not less than one Federal facility or
6 federally funded facility that is located within
7 the Indian lands of an Indian Tribe, as applica-
8 ble, (which may be the Federal facility or feder-
9 ally funded facility described in subparagraph
10 (C)).”; and

11 (2) by adding at the end the following:

12 “(8) Where practicable, each Federal agency
13 that operates a Federal facility or a federally funded
14 facility that is a designated voter registration agency
15 in accordance with subparagraph (C) or (D) of para-
16 graph (2) shall designate one or more special days
17 per year at a centralized location within the bound-
18 aries of the Indian lands of each applicable Indian
19 Tribe for the purpose of informing members of the
20 Indian Tribe of the timing, registration require-
21 ments, and voting procedures in elections for Fed-
22 eral office, at no cost to the Indian Tribe.”.

23 **SEC. 306. ACCESSIBLE TRIBAL DESIGNATED POLLING**
24 **SITES.**

25 (a) IN GENERAL.—

1 (1) DESIGNATION OF STATE OFFICER.—Each
 2 of the several States whose territory contains all or
 3 part of an Indian Tribe’s Indian lands shall des-
 4 ignate an officer within that State who will be re-
 5 sponsible for compliance with the provisions of this
 6 section and who shall periodically consult with the
 7 Indian Tribes located wholly or partially within that
 8 State regarding compliance with the provisions of
 9 this section and coordination between the State and
 10 the Indian Tribe. The State shall provide written no-
 11 tice to each such Indian Tribe of the officer so des-
 12 ignated.

13 (2) PROVISION OF POLLING PLACES.—For each
 14 Indian Tribe that satisfies the obligations of sub-
 15 section (c), and for each election for a Federal offi-
 16 cial or State official that is held 180 days or later
 17 after the date on which the Indian Tribe initially
 18 satisfies such obligations, any State or political sub-
 19 division whose territory contains all or part of an In-
 20 dian Tribe’s Indian lands—

21 (A) shall provide a minimum of one polling
 22 place in each precinct in which there are eligible
 23 voters who reside on Indian lands, in a location
 24 selected by the Indian Tribe and at no cost to
 25 the Indian Tribe, regardless of the population

1 or number of registered voters residing on In-
2 dian lands;

3 (B) shall not reduce the number of polling
4 locations on Indian lands based on population
5 numbers;

6 (C) shall provide, at no cost to the Indian
7 Tribe, additional polling places in locations on
8 Indian lands selected by an Indian Tribe and
9 requested under subsection (c) if, based on the
10 totality of circumstances described in subsection
11 (b), it is shown that not providing those addi-
12 tional polling places would result in members of
13 the Indian Tribe and living on Indian lands or
14 other individuals residing on the Indian Tribe's
15 Indian lands having less opportunity to vote
16 than eligible voters in that State or political
17 subdivision who are not members of an Indian
18 Tribe or do not reside on Indian lands;

19 (D) shall, at each polling place located on
20 Indian lands and at no cost to the Indian Tribe,
21 make voting machines, tabulation machines, of-
22 ficial receptacles designated for the return of
23 completed absentee ballots, ballots, provisional
24 ballots, and other voting materials available to
25 the same or greater extent that such equipment

1 and materials are made available at other poll-
2 ing places in the State or political subdivision
3 that are not located on Indian lands;

4 (E) shall, at each polling place located on
5 Indian lands, conduct the election using the
6 same voting procedures that are used at other
7 polling places in the State or political subdivi-
8 sion that are not located on Indian lands, or
9 other voting procedures that provide greater ac-
10 cess for voters;

11 (F) shall, at each polling place located on
12 Indian lands and at no cost to the Indian Tribe,
13 make voter registration available during the pe-
14 riod the polling place is open to the maximum
15 extent allowable under State law;

16 (G) shall, at each polling place located on
17 Indian lands, provide training, compensation,
18 and other benefits to election officials and poll
19 workers at no cost to the Indian Tribe and, at
20 a minimum, to the same or greater extent that
21 such training, compensation, and benefits are
22 provided to election officials and poll workers at
23 other polling places in the State or political
24 subdivision that are not located on Indian
25 lands;

(H) shall, in all cases, provide the Indian Tribe an opportunity to designate election officials and poll workers to staff polling places within the Indian lands of the applicable Indian Tribe on every day that the polling places will be open;

(I) shall allow for any eligible voting member of the Indian Tribe or any eligible voting individual residing on Indian lands to vote early or in person at any polling place on Indian lands, regardless of that member or individual's residence or residential address, and shall not reject the ballot of any such member or individual on the grounds that the ballot was cast at the wrong polling place; and

(J) may fulfill the State's obligations under subparagraphs (A) and (C) by relocating existing polling places, by creating new polling places, or both.

(b) **EQUITABLE OPPORTUNITIES TO VOTE.—**

(1) **IN GENERAL.**—When assessing the opportunities to vote provided to members of an Indian Tribe and to other eligible voters in the State residing on Indian lands in order to determine the number of additional polling places (if any) that a State

1 or political subdivision must provide in accordance
2 with subsection (a)(2)(C), the State, political sub-
3 division, or any court applying this section, shall
4 consider the totality of circumstances of—

5 (A) the number of voting-age citizens as-
6 signed to each polling place;

7 (B) the distances that voters must travel
8 to reach the polling places;

9 (C) the time that voters must spend trav-
10 eling to reach the polling places, including
11 under inclement weather conditions;

12 (D) the modes of transportation, if any,
13 that are regularly and broadly available to vot-
14 ers to use to reach the polling places;

15 (E) the existence of and access to frequent
16 and reliable public transportation to the polling
17 places;

18 (F) the length of lines and time voters
19 waited to cast a ballot in previous elections; and

20 (G) any other factor relevant to effec-
21 tuating the aim of achieving equal voting oppor-
22 tunity for individuals living on Indian lands.

23 (2) ABSENCE OF FACTORS.—When assessing
24 the opportunities to vote in accordance with para-
25 graph (1), the State, political subdivision, or court

1 shall ensure that each factor described in paragraph
 2 (1) is considered regardless of whether any one fac-
 3 tor would lead to a determination not to provide ad-
 4 ditional polling places under subsection (a)(2)(C).

5 (c) FORM; PROVISION OF FORM; OBLIGATIONS OF
 6 THE INDIAN TRIBE.—

7 (1) FORM.—The Attorney General shall estab-
 8 lish the form described in this subsection through
 9 which an Indian Tribe can fulfill its obligations
 10 under this subsection.

11 (2) PROVISION OF FORM.—Each State or polit-
 12 ical subdivision whose territory contains all or part
 13 of an Indian Tribe's Indian lands—

14 (A) shall provide the form established
 15 under paragraph (1) to each applicable Indian
 16 Tribe not less than 30 days prior to the dead-
 17 line set by the State or political subdivision for
 18 completion of the obligations under this sub-
 19 section (which deadline shall be not less than
 20 30 days prior to a Federal election) whereby an
 21 Indian Tribe can fulfill its obligations under
 22 this subsection by providing the information de-
 23 scribed in paragraph (3) on that form and sub-
 24 mitting the form back to the applicable State or
 25 political subdivision by such deadline;

1 (B) shall not edit the form established
 2 under paragraph (1) or apply any additional ob-
 3 ligations on the Indian Tribe with respect to
 4 this section; and

5 (C) shall cooperate in good faith with the
 6 efforts of the Indian Tribe to satisfy the re-
 7 quirements of this subsection.

8 (3) OBLIGATIONS OF THE INDIAN TRIBE.—The
 9 requirements for a State and political subdivision
 10 under subsection (a)(2) shall apply with respect to
 11 an Indian Tribe once an Indian Tribe meets the fol-
 12 lowing obligations by completing the form specified
 13 in paragraph (1):

14 (A) The Indian Tribe specifies the number
 15 and locations of requested polling places, early
 16 voting locations, and ballot drop boxes to be
 17 provided on the Indian lands of that Indian
 18 Tribe.

19 (B) The Indian Tribe certifies that
 20 curbside voting will be available for any facili-
 21 ties that lack accessible entrances and exits in
 22 accordance with Federal and State law.

23 (C) The Indian Tribe certifies that the In-
 24 dian Tribe will ensure that each such requested
 25 polling place will be open and available to all el-

1 eligible voters who reside in the precinct or other
2 geographic area assigned to such polling place,
3 regardless of whether such eligible voters are
4 members of the Indian Tribe or of any other
5 Indian Tribe.

6 (D) The Indian Tribe requests that the
7 State or political subdivision shall designate
8 election officials and poll workers to staff such
9 requested polling places, or certifies that the In-
10 dian Tribe will designate election officials and
11 poll workers to staff such polling places on
12 every day that the polling places will be open.

13 (E) The Indian Tribe may request that the
14 State or political subdivision provide absentee
15 ballots without requiring an excuse, an absentee
16 ballot request, or residential address to all eligi-
17 ble voters who reside in the precinct or other
18 geographic area assigned to such polling place,
19 regardless of whether such eligible voters are
20 members of the Indian Tribe or of any other
21 Indian Tribe.

22 (4) ESTABLISHED POLLING PLACES.—Once a
23 polling place is established under subsection
24 (a)(2)(A) or subsection (a)(2)(C) the Tribe need not
25 fill out the form designated under paragraph (1)

1 again unless or until that Indian Tribe requests
2 modifications to the requests specified in the most
3 recent form under paragraph (1).

4 (5) OPT OUT.—At any time that is 60 days or
5 more before the date of an election, an Indian Tribe
6 that previously has satisfied the obligations of para-
7 graph (3) may notify the State or political subdivi-
8 sion that the Indian Tribe intends to opt out of the
9 standing obligation for one or more polling places
10 that were established in accordance with subsection
11 (a)(2)(A) or subsection (a)(2)(C) for a particular
12 election or for all future elections. A Tribe may opt
13 back in at any time.

14 (d) FEDERAL POLLING SITES.—Each State shall
15 designate as voter polling facilities any of the facilities
16 identified in accordance with subparagraph (C) or (D) of
17 section 7(a)(2) of the National Voter Registration Act of
18 1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian
19 Tribe, provided that the facility meets the requirements
20 of Federal and State law as applied to other polling places
21 within the State or political subdivision. The applicable
22 agency of the Federal Government shall ensure that such
23 designated facilities are made available as polling places.

24 (e) MAIL-IN BALLOTING.—In States or political sub-
25 divisions that permit absentee or mail-in balloting, the fol-

1 lowing shall apply with respect to an election for Federal
2 office:

3 (1) For each ballot cast by a member of an In-
4 dian Tribe living on Indian lands, all postage shall
5 be prepaid by the Federal Government and each bal-
6 lot postmarked the day the ballot is received at a
7 postal facility located on Indian lands.

8 (2) An Indian Tribe may designate at least one
9 building per precinct as a ballot pickup and collec-
10 tion location (referred to in this section as a “trib-
11 ally designated buildings”) at no cost to the Indian
12 Tribe. The applicable State or political subdivision
13 shall collect and timely deposit all ballots from each
14 tribally designated building.

15 (3) At the applicable Tribe’s request, the State
16 or political subdivision shall provide mail-in and ab-
17 sentee ballots to each registered voter residing on
18 Indian lands in the State or political subdivision
19 without requiring a residential address, a mail-in or
20 absentee ballot request, or an excuse for a mail-in or
21 absentee ballot.

22 (4) The address of a tribally designated build-
23 ing may serve as the residential address and mailing
24 address for voters living on Indian lands if the trib-

1 ally designated building is in the same precinct as
2 that voter.

3 (5) If there is no tribally designated building
4 within the precinct of a voter residing on Indian
5 lands (including if the tribally designated building is
6 on Indian lands but not in the same precinct as the
7 voter), the voter may—

8 (A) use another tribally designated build-
9 ing within the Indian lands where the voter is
10 located; or

11 (B) use such tribally designated building
12 as a mailing address and may separately des-
13 ignate the voter's appropriate precinct through
14 a description of the voter's address, as specified
15 in section 9428.4(a)(2) of title 11, Code of Fed-
16 eral Regulations.

17 (6) In the case of a State or political subdivi-
18 sion that is a covered State or political subdivision
19 under section 203 of the Voting Rights Act of 1965
20 (52 U.S.C. 10503), that State or political subdivi-
21 sion shall provide absentee or mail-in voting mate-
22 rials with respect to an election for Federal office in
23 the language of the applicable minority group as well
24 as in the English language, bilingual election voting
25 assistance, and written translations of all voting ma-

1 materials in the language of the applicable minority
2 group, as required by section 203 of the Voting
3 Rights Act of 1965 (52 U.S.C. 10503), as amended
4 by this title.

5 (7) A State or political division shall make rea-
6 sonable efforts to contact a voter who resides within
7 Indian lands located within its jurisdiction and offer
8 such voter a reasonable opportunity to cure any de-
9 fect in an absentee ballot issued to and completed
10 and returned by the voter, or appearing on or per-
11 taining to the materials provided for the purpose of
12 returning the absentee ballot, if State law would oth-
13 erwise require the absentee ballot to be rejected due
14 to such defect and the defect does not compromise
15 ballot secrecy or involve a lack of witness or assist-
16 ant signature, where such signature is mandated by
17 State law.

18 (8) In a State or political subdivision that does
19 not permit absentee or mail-in balloting for all eligi-
20 ble voters in the State or political subdivision, that
21 State or political subdivision shall nonetheless pro-
22 vide for absentee or mail-in balloting for voters who
23 reside on Indian lands consistent with this section if
24 the State, political subdivision, or any court applying
25 this section determines that the totality of cir-

cumstances described in subsection (b) warrants establishment of absentee or mail-in balloting for voters who reside on Indian lands located within the jurisdiction of the State or political subdivision.

(f) BALLOT DROP BOXES.—Each State shall—

(1) provide not less than one ballot drop box for each precinct on Indian lands, at no cost to the Indian Tribe, at either the tribally designated building under subsection (e)(2) or an alternative site selected by the applicable Indian Tribe; and

(2) provide additional drop boxes at either the tribally designated building under subsection (e)(2) or an alternative site selected by the applicable Indian Tribe if the State or political subdivision determines that additional ballot drop boxes should be provided based on the criteria considered under the totality of circumstances enumerated under subsection (b).

(g) EARLY VOTING.—

(1) EARLY VOTING LOCATIONS.—In a State or political subdivision that permits early voting in an election for Federal office, that State or political subdivision shall provide not less than one early voting location for each precinct on Indian lands, at no cost to the Indian Tribe, at a site selected by the ap-

1 plicable Indian Tribe, to allow individuals living on
 2 Indian lands to vote during an early voting period in
 3 the same manner as early voting is allowed on such
 4 date in the rest of the State or precinct. Additional
 5 early voting sites shall be determined based on the
 6 criteria considered under the totality of cir-
 7 cumstances described in subsection (b).

8 (2) LENGTH OF PERIOD.—In a State or polit-
 9 ical subdivision that permits early voting in an elec-
 10 tion for Federal office, that State or political sub-
 11 division shall provide an early voting period with re-
 12 spect to that election that shall consist of a period
 13 of consecutive days (including weekends) which be-
 14 gins on the 15th day before the date of the election
 15 (or, at the option of the State or political subdivi-
 16 sion, on a day prior to the 15th day before the date
 17 of the election) and ends on the date of the election
 18 for all early voting locations on Indian lands.

19 (3) MINIMUM EARLY VOTING REQUIRE-
 20 MENTS.—Each polling place that allows voting dur-
 21 ing an early voting period under this subsection
 22 shall—

23 (A) allow such voting for no less than 10
 24 hours on each day;

1 (B) have uniform hours each day for which
2 such voting occurs; and

3 (C) allow such voting to be held for some
4 period of time prior to 9:00 a.m. (local time)
5 and some period of time after 5:00 p.m. (local
6 time).

7 (4) BALLOT PROCESSING AND SCANNING RE-
8 QUIREMENTS.—

9 (A) IN GENERAL.—To the greatest extent
10 practicable, ballots cast during the early voting
11 period in an election for Federal office at voting
12 locations and drop boxes on Indian lands shall
13 be processed and scanned for tabulation in ad-
14 vance of the close of polls on the date of the
15 election.

16 (B) LIMITATION.—Nothing in this sub-
17 section shall be construed to permit a State or
18 political subdivision to tabulate and count bal-
19 lots in an election for Federal office before the
20 closing of the polls on the date of the election.

21 (h) PROVISIONAL BALLOTS.—

22 (1) IN GENERAL.—In addition to the require-
23 ments under section 302(a) of the Help America
24 Vote Act of 2002 (52 U.S.C. 21082(a)), for each
25 State or political subdivision that provides voters

1 provisional ballots, challenge ballots, or affidavit bal-
2 lots under the State's applicable law governing the
3 voting processes for those voters whose eligibility to
4 vote is determined to be uncertain by election offi-
5 cials, election officials shall—

6 (A) provide clear written instructions indi-
7 cating the reason the voter was given a provi-
8 sional ballot, the information or documents the
9 voter needs to prove eligibility, the location at
10 which the voter must appear to submit these
11 materials or alternative methods, including
12 email or facsimile, that the voter may use to
13 submit these materials, and the deadline for
14 submitting these materials;

15 (B) permit any voter who votes provision-
16 ally at any polling place on Indian lands to ap-
17 pear at any polling place or at the central loca-
18 tion for the election board to submit the docu-
19 mentation or information to prove eligibility;

20 (C) permit any voter who votes provision-
21 ally at any polling place to submit the required
22 information or documentation via email or fac-
23 simile, if the voter prefers to use such methods
24 as an alternative to appearing in person to sub-

mit the required information or documentation
to prove eligibility;

(D) notify the voter on whether the voter's
provisional ballot was counted or rejected by
telephone, email, or postal mail, or any other
available method, including notifying the voter
of any online tracking website if State law pro-
vides for such a mechanism; and

(E) provide the reason for rejection if the
voter's provisional ballot was rejected after the
voter provided the required information or doc-
umentation on eligibility.

(2) DUTIES OF ELECTION OFFICIALS.—A State
or political subdivision described in paragraph (1)
shall ensure in each case in which a provisional bal-
lot is cast, that election officials—

(A) request and collect the voter's email
address, if the voter has one, and transmit any
written instructions issued to the voter in per-
son to the voter via email; and

(B) provide a verbal translation of any
written instructions to the voter.

(i) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney Gen-
eral may bring a civil action in an appropriate dis-

1 trict court for such declaratory or injunctive relief as
 2 is necessary to carry out this section.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) A person or Indian Tribe who is ag-
 5 grievied by a violation of this section may pro-
 6 vide written notice of the violation to the chief
 7 election official of the State involved.

8 (B) An aggrieved person or Indian Tribe
 9 may bring a civil action in an appropriate dis-
 10 trict court for declaratory or injunctive relief
 11 with respect to a violation of this section, if—

12 (i) that person or Indian Tribe pro-
 13 vides the notice described in subparagraph
 14 (A); and

15 (ii)(I) in the case of a violation that
 16 occurs more than 120 days before the date
 17 of an election for Federal office, the viola-
 18 tion remains and 90 days or more have
 19 passed since the date on which the chief
 20 election official of the State receives the
 21 notice under subparagraph (A); or

22 (II) in the case of a violation that oc-
 23 curs 120 days or less but more than 30
 24 days before the date of an election for Fed-
 25 eral office, the violation remains and 20

1 days or more have passed since the date on
 2 which the chief election official of the State
 3 receives the notice under subparagraph
 4 (A).

5 (C) In the case of a violation of this sec-
 6 tion that occurs 30 days or less before the date
 7 of an election for Federal office, an aggrieved
 8 person or Indian Tribe may bring a civil action
 9 in an appropriate district court for declaratory
 10 or injunctive relief with respect to the violation
 11 without providing notice to the chief election of-
 12 ficial of the State under subparagraph (A).

13 (3) RULE OF CONSTRUCTION.—Nothing in this
 14 section shall be construed to prevent a State or po-
 15 litical subdivision from providing additional polling
 16 places or early voting locations on Indian lands.

17 **SEC. 307. PROCEDURES FOR REMOVAL OF POLLING**
 18 **PLACES AND VOTER REGISTRATION SITES ON**
 19 **INDIAN LANDS.**

20 (a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE
 21 REVIEW.—No State or political subdivision may carry out
 22 any of the following activities in an election for Federal
 23 office unless the requirements of subsection (b) have been
 24 met:

1 (1) Eliminating polling places or voter registra-
2 tion sites on the Indian lands of an Indian Tribe.

3 (2) Moving or consolidating a polling place or
4 voter registration site on the Indian lands of an In-
5 dian Tribe to a location 1 mile or further from the
6 existing location of the polling place or voter reg-
7 istration site.

8 (3) Moving or consolidating a polling place on
9 the Indian lands of an Indian Tribe to a location
10 across a river, lake, mountain, or other natural
11 boundary such that it increases travel time for a
12 voter, regardless of distance.

13 (4) Eliminating in-person voting on the Indian
14 lands of an Indian Tribe by designating an Indian
15 reservation as a permanent absentee voting location,
16 unless the Indian Tribe requests such a designation
17 and has not later requested that the designation as
18 a permanent absentee voting location be reversed.

19 (5) Removing an early voting location or other-
20 wise diminishing early voting opportunities on In-
21 dian lands.

22 (6) Removing a ballot drop box or otherwise di-
23 minishing ballot drop boxes on Indian lands.

24 (7) Decreasing the number of days or hours
25 that an in-person or early voting polling place is

1 open on Indian lands only or changing the dates of
2 in-person or early voting only on the Indian lands of
3 an Indian Tribe.

4 (b) TRIBAL ADMINISTRATIVE REVIEW.—

5 (1) IN GENERAL.—The requirements of this
6 subsection have been met if—

7 (A) the impacted Indian Tribe submits to
8 the Attorney General the Indian Tribe’s written
9 consent to the proposed activity described in
10 subsection (a);

11 (B) the State or political subdivision, after
12 consultation with the impacted Indian Tribe
13 and after attempting to have the impacted In-
14 dian Tribe give consent as described in sub-
15 paragraph (A), institutes an action in the
16 United States District Court for the District of
17 Columbia for a declaratory judgment, and a de-
18 claratory judgment is issued based upon affirm-
19 ative evidence provided by the State or political
20 subdivision, that conclusively establishes that
21 the specified activity described in subsection (a)
22 proposed by the State or political subdivision
23 neither has the purpose nor will have the effect
24 of denying or abridging the right to vote on ac-
25 count of race or color, membership in an Indian

1 Tribe, or membership in a language minority
 2 group; or

3 (C) the chief legal officer or other appro-
 4 priate official of such State or political subdivi-
 5 sion, after consultation with the impacted In-
 6 dian Tribe and after attempting to have the im-
 7 pacted Indian Tribe give consent as described
 8 in subparagraph (A), submits a request to carry
 9 out the specified activity described in subsection
 10 (a) to the Attorney General and the Attorney
 11 General affirmatively approves the specified ac-
 12 tivity.

13 (2) NO LIMITATION ON FUTURE ACTIONS.—

14 (A) NO BAR TO SUBSEQUENT ACTION.—
 15 Neither an affirmative indication by the Attor-
 16 ney General that no objection will be made, nor
 17 the Attorney General's failure to object, nor a
 18 declaratory judgment entered under this sec-
 19 tion, nor a written consent issued under para-
 20 graph (1)(A) shall bar a subsequent action to
 21 enjoin enforcement of an activity described in
 22 subsection (a).

23 (B) REEXAMINATION.—The Attorney Gen-
 24 eral reserves the right to reexamine any submis-
 25 sion under paragraph (1)(C) if additional rel-

1 evant information comes to the Attorney Gen-
2 eral's attention.

3 (C) DISTRICT COURT.—Any action under
4 this section shall be heard and determined by a
5 district court of 3 judges in accordance with the
6 provisions of section 2284 of title 28, United
7 States Code, and any appeal shall lie to the Su-
8 preme Court.

9 **SEC. 308. TRIBAL VOTER IDENTIFICATION.**

10 (a) TRIBAL IDENTIFICATION.—If a State or political
11 subdivision requires an individual to present identification
12 for the purposes of voting or registering to vote in an elec-
13 tion for Federal office, an identification card issued by a
14 federally recognized Indian Tribe, the Bureau of Indian
15 Affairs, the Indian Health Service, or any other Tribal or
16 Federal agency issuing identification cards to eligible In-
17 dian voters shall be treated as a valid form of identifica-
18 tion for such purposes.

19 (b) ONLINE REGISTRATION.—If a State or political
20 subdivision requires an identification card for an indi-
21 vidual to register to vote online or to vote online, that
22 State or political subdivision shall annually consult with
23 an Indian Tribe to determine whether a tribal identifica-
24 tion can feasibly be used to register to vote online or vote
25 online.

1 (c) LIMITATION ON REQUIRING MULTIPLE FORMS
 2 OF IDENTIFICATION.—If a State or political subdivision
 3 requires an individual to present more than one form of
 4 identification for the purposes of voting or registering to
 5 vote in an election for Federal office, or for registering
 6 to vote online or to vote online, that State or political sub-
 7 division shall not require any member of an Indian Tribe
 8 to provide more than one form of identification if the
 9 member provides orally or in writing that the member does
 10 not possess more than one form of identification.

11 **SEC. 309. PERMITTING VOTERS TO DESIGNATE OTHER PER-**
 12 **SON TO RETURN BALLOT.**

13 Each State or political subdivision—

14 (1) shall permit any person to return a sealed
 15 ballot of a voter that resides on Indian lands to a
 16 post office on Indian lands, a ballot drop box loca-
 17 tion in a State or political subdivision that provides
 18 ballot drop boxes, a tribally designated building
 19 under section 306(e)(2), or an election office, so long
 20 as the person designated to return the ballot or bal-
 21 lots on behalf of another voter does not receive any
 22 form of compensation based on the number of bal-
 23 lots that the person has returned and no individual,
 24 group, or organization provides compensation on this
 25 basis;

1 (2) may not put any limit on how many voted
 2 and sealed absentee ballots any designated person
 3 can return to the post office, ballot drop box loca-
 4 tion, tribally designated building, or election office
 5 under paragraph (1); and

6 (3) shall permit any person to return voter reg-
 7 istration applications, absentee ballot applications,
 8 or absentee ballots to ballot drop box locations in a
 9 State or political subdivision that provides ballot
 10 drop boxes for these purposes.

11 **SEC. 310. BILINGUAL ELECTION REQUIREMENTS.**

12 Section 203 of the Voting Rights Act of 1965 (52
 13 U.S.C. 10503) is amended—

14 (1) in subsection (b)(3)(C), by striking “1990”
 15 and inserting “most recent”; and

16 (2) by striking subsection (c) and inserting the
 17 following:

18 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
 19 GUAGE OF A MINORITY GROUP.—

20 “(1) IN GENERAL.—Whenever any State or po-
 21 litical subdivision subject to the prohibition of sub-
 22 section (b), provides any registration or voting no-
 23 tices, forms, instructions, assistance, or other mate-
 24 rials or information relating to the electoral process,
 25 including ballots, it shall provide them in the lan-

1 guage of the applicable minority group as well as in
 2 the English language.

3 “(2) EXCEPTIONS.—

4 “(A) In the case of a minority group that
 5 is not American Indian or Alaska Native and
 6 the language of that minority group is oral or
 7 unwritten, the State or political subdivision
 8 shall only be required to furnish, in the covered
 9 language, oral instructions, assistance, trans-
 10 lation of voting materials, or other information
 11 relating to registration and voting.

12 “(B) In the case of a minority group that
 13 is American Indian or Alaska Native, the State
 14 or political subdivision shall only be required to
 15 furnish in the covered language oral instruc-
 16 tions, assistance, or other information relating
 17 to registration and voting, including all voting
 18 materials, if the Indian Tribe of that minority
 19 group has certified that the language of the ap-
 20 plicable American Indian or Alaska Native lan-
 21 guage is presently unwritten or the Indian
 22 Tribe does not want written translations in the
 23 minority language.

24 “(3) WRITTEN TRANSLATIONS FOR ELECTION
 25 WORKERS.—Notwithstanding paragraph (2), the

1 State or political division may be required to provide
 2 written translations of voting materials, with the
 3 consent of any applicable Indian Tribe, to election
 4 workers to ensure that the translations from English
 5 to the language of a minority group are complete,
 6 accurate, and uniform.”.

7 **SEC. 311. FEDERAL OBSERVERS TO PROTECT TRIBAL VOT-**
 8 **ING RIGHTS.**

9 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF
 10 1965.—Section 8(a) of the Voting Rights Act of 1965 (52
 11 U.S.C. 10305(a)) is amended—

12 (1) in paragraph (1), by striking “or” after the
 13 semicolon;

14 (2) in paragraph (2)(B), by adding “or” after
 15 the semicolon; and

16 (3) by inserting after paragraph (2) the fol-
 17 lowing:

18 “(3) the Attorney General has received a writ-
 19 ten complaint from an Indian Tribe that efforts to
 20 deny or abridge the right to vote under the color of
 21 law on account of race or color, membership in an
 22 Indian Tribe, or in contravention of the guarantees
 23 set forth in section 4(f)(2), are likely to occur;”.

24 (b) PUBLICLY AVAILABLE REPORTS.—The Attorney
 25 General shall make publicly available the reports of a Fed-

1 eral election observer appointed pursuant to section
 2 (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.
 3 10305(a)(3)), as added by subsection (a), not later than
 4 6 months after the date that such reports are submitted
 5 to the Attorney General, except that any personally identi-
 6 fiable information relating to a voter or the substance of
 7 the voter's ballot shall not be made public.

8 **SEC. 312. TRIBAL JURISDICTION.**

9 (a) IN GENERAL.—Tribal law enforcement have the
 10 right to exercise their inherent authority to detain and or
 11 remove any non-Indian, not affiliated with the State, its
 12 political subdivision, or the Federal Government, from In-
 13 dian lands for intimidating, harassing, or otherwise imped-
 14 ing the ability of people to vote or of the State and its
 15 political subdivisions to conduct an election.

16 (b) CIVIL ACTION BY ATTORNEY GENERAL FOR RE-
 17 LIEF.—Whenever any person has engaged or there are
 18 reasonable grounds to believe that any person is about to
 19 engage in any act or practice prohibited by this section,
 20 the Attorney General may institute for the United States,
 21 or in the name of the United States, an action for preven-
 22 tive relief, including an application for a temporary or per-
 23 manent injunction, restraining order, or other order, and
 24 including an order directed to the State and State or local

1 election officials to require them to permit persons to vote
2 and to count such votes.

3 **SEC. 313. TRIBAL VOTING CONSULTATION.**

4 The Attorney General shall consult annually with In-
5 dian Tribes regarding issues related to voting in elections
6 for Federal office.

7 **SEC. 314. ATTORNEYS' FEES, EXPERT FEES, AND LITIGA-**
8 **TION EXPENSES.**

9 In a civil action under this title, the court shall award
10 the prevailing party, other than the United States, reason-
11 able attorney fees, including litigation expenses, reason-
12 able expert fees, and costs.

13 **SEC. 315. GAO STUDY AND REPORT.**

14 The Comptroller General shall study the prevalence
15 of nontraditional or nonexistent mailing addresses among
16 Indians, those who are members of Indian Tribes, and
17 those residing on Indian lands and identify alternatives
18 to remove barriers to voter registration, receipt of voter
19 information and materials, and receipt of ballots. The
20 Comptroller General shall report the results of that study
21 to Congress not later than 1 year after the date of enact-
22 ment of this title.

1 **SEC. 316. UNITED STATES POSTAL SERVICE CONSULTA-**
2 **TION.**

3 The Postmaster General shall consult with Indian
4 Tribes, on an annual basis, regarding issues relating to
5 the United States Postal Service that present barriers to
6 voting for eligible voters living on Indian lands.

7 **SEC. 317. SEVERABILITY; RELATIONSHIP TO OTHER LAWS;**
8 **TRIBAL SOVEREIGN IMMUNITY.**

9 (a) SEVERABILITY.—If any provision of this title, or
10 the application of such a provision to any person, entity,
11 or circumstance, is held to be invalid, the remaining provi-
12 sions of this title and the application of all provisions of
13 this title to any other person, entity, or circumstance shall
14 not be affected by the invalidity.

15 (b) RELATIONSHIP TO OTHER LAWS.—Nothing in
16 this title shall invalidate, or limit the rights, remedies, or
17 procedures available under, or supersede, restrict, or limit
18 the application of, the Voting Rights Act of 1965 (52
19 U.S.C. 10301 et seq.), the National Voter Registration
20 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America
21 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other
22 Federal law or regulation related to voting or the electoral
23 process. Notwithstanding any other provision of law, the
24 provisions of this title, and the amendments made by this
25 title, shall be applicable within the State of Maine.

1 (c) TRIBAL SOVEREIGN IMMUNITY.—Nothing in this
2 title shall be construed as—

3 (1) affecting, modifying, diminishing, or other-
4 wise impairing the sovereign immunity from suit en-
5 joyed by an Indian Tribe; or

6 (2) authorizing or requiring the termination of
7 any existing trust responsibility of the United States
8 with respect to Indian people.

9 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
11 as may be necessary to carry out this title.

Calendar No. 143

117TH CONGRESS
1ST Session

S. 4

A BILL

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

OCTOBER 6, 2021

Read the second time and placed on the calendar